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THE BOOK OF THE RULES

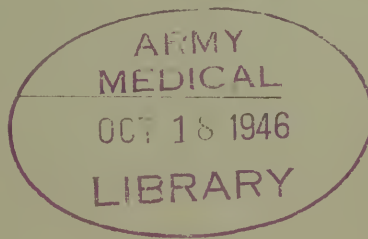
OF THE

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MEDICAL ASSOCIATION

OF THE

STATE OF ALABAMA.

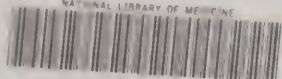


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1880.

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THE BOOK OF THE RULES

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PREFACE.

The Book of the Rules of the Medical Association of the State of Alabama is here presented for the first time in something like the form that it was originally intended that it should assume. It will be found complete to date. Indeed, it has been thought expedient to include in it some schemes of legislation which have not yet been adopted by the State, but which it is hoped that the next General Assembly will enact into laws ; and some suggestions to the County Boards of Medical Examiners which have not as yet been formally approved of by the Association, but which seem to us to be of such evident propriety and necessity that we feel assured that the Association will approve of them at its next annual session.

It has been our purpose to include in their proper order all the Constitutions and Ordinances of the Association, and all the laws of the State of Alabama in any way connected with the supervision of the public health and with the regulation of the practice of medicine. To these have been added such commentaries as seem to be necessary for their proper explanation, and for the proper guidance in the discharge of their important duties of the Boards of Censors, the Boards of Health, and the Boards of Medical Examiners, which are under the jurisdiction of the Association.

The Code of Ethics of the American Medical Association is recognized as of universal obligation amongst American physicians, and has been formally adopted by the State Association and by the several County Medical Societies as part and parcel of their constitutional law. This, therefore, has been included, for convenience of reference, in a separate Chapter.

The Commentaries and Explanations are, for the most part, extracts from the several Annual Reports of the Board of Censors, which have, from time to time, received the approval of the Association, and which are, therefore, of official and binding obligation.

THE BOARD OF CENSORS.

CHAPTER I.

THE ORGANIZATION AND GOVERNMENT OF THE ASSOCIATION.

SUMMARY OF CONTENTS.

The Constitution of the Medical Association of the State of Alabama—The Commentary on the Constitution—The Code of Ordinances—An Ordinance in Relation to the Rolls and Records—An Ordinance in Relation to the Revisions of the Rolls—An Ordinance in Relation to the Committee of Publication and its Duties—An Ordinance in Relation to Reports and Discussions—Miscellaneous Orders—Form of Charter for County Medical Societies—The Duties of the President—The Duties of the Secretary—The Duties of the Treasurer.

THE CONSTITUTION.

SECTION I.—*Name and Seal.*

ARTICLE 1. The name and style of this Association shall be "THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA."

ART. 2. The seal of this Association shall have, on the obverse, a winged globe on a shield, with the motto, *Nos etiam speravimus meliora* ; and on the reverse the arms of the State of Alabama, with the inscription, "*The Medical Association of the State of Alabama, 1873.*" It shall be attached to sealed documents of the Association by a ribbon of yellow silk.

SECTION II.—*Objects.*

ART. 3. The objects of this Association shall be to organ-

ize the medical profession of the State in the most efficient manner possible. To encourage a high standard of medical education, and regulate the qualifications of practitioners of Medicine in the State. To promote professional brotherhood, and encourage a high standard of professional ethics. To combine the influence of all the medical men in the State, so as to secure by legislative enactments their own legitimate rights and privileges, and the protection of the people against all medical ignorance and dishonesty. To encourage the study of the medical botany, medical topography, and medical climatology of the State. To secure careful and reliable accounts of all the endemic and epidemic diseases of the State. In a word, to watch over and protect, encourage and aggrandize all the interests of the medical profession of the State.

SECTION III.—*Members.*

ART. 4. There shall be four classes of members of the Association, namely :

1. Members.
2. Delegates.
3. Counsellors.
4. Correspondents.

ART. 5. All members of county societies which hold charters from the Association shall be members of the Association.

ART. 6. Members shall have the privilege of seats on the floor at the sessions of the Association ; but they shall not vote, nor hold office.

ART. 7. Members shall pay annually to the Association the sum of one dollar, which shall be sent up to the annual sessions of the Association, in charge of the delegates of the respective societies.

SECTION IV.—*Delegates.*

ART. 8. Delegates shall be elected by the members of the county societies to represent them in the Association ; and each county society shall be entitled to two delegates, whose term of service shall be for one year.

ART. 9. Delegates shall sign the Roll of Delegates for the current year ; and shall pay an annual fee of five dollars.

ART. 10. Delegates shall be entitled to vote on all questions which come before the Association ; but they shall not hold office.

ART. 11. Delegates may, at the discretion of the President, be appointed reporters, and members of special committees.

SECTION V.—*Counsellors.*

ART. 12. The Counsellors shall be restricted in number to one hundred ; and shall consist—first, of all the permanent members of the present organization who give their consent to accept the position and its responsibilities ; and, secondly, of such other members as may be from time to time elected to fill existing vacancies.

ART. 13. All vacancies existing in the Century of Counsellors shall be filled at the regular sessions of the Association, the election to be made by the joint ballot of Delegates and Counsellors, in the same way as is hereinafter provided for the election of the officers of the Association.

ART. 14. Counsellors shall hold their positions permanently, or until removed by death, resignation, impeachment or neglect of duty.

ART. 15. Counsellors shall sign the Roll of Counsellors ; shall pay the annual dues ; shall attend at least one annual session of the Association every three years ; shall perform any constitutional duty assigned to them by the President ; shall fill all the regular offices of the Association ; shall have the privilege of voting on all questions coming before the Association ; and shall not serve as delegates under any circumstances whatever.

ART. 16. The revision of the Roll of Counsellors shall be made a special order of business at every annual session of the Association, and any Counsellor who shall fail to pay the annual dues, as hereinafter provided, or any Counsellor who shall be absent from three successive sessions of the Association

tion, shall forfeit membership, and his name shall be stricken from the Roll of Counsellors.

SECTION VI.—*Correspondents.*

ART. 17. Correspondents of the Association shall be elected at the regular annual meetings, and upon the recommendation of the Board of Censors.

ART. 18. They shall consist of distinguished members of the medical profession, living out of the State of Alabama; or of those who, having done the Association faithful service as Counsellors for not less than ten years, may have resigned that position.

ART. 19. They shall be elected by ballot and must receive two-thirds of the votes cast. The revision of the Roll of Correspondents shall be made a special order of business at every annual session of the Association.

ART. 20. They shall be furnished with the annual volumes of Transactions; they shall pay no dues; they may transmit to the Association, from time to time, such communications as they may think proper.

SECTION VII.—*Officers.*

ART. 21. The Officers of the Medical Association of the State of Alabama shall be fifteen in number, as follows, namely:

1. One President.
2. Two Vice-Presidents.
3. One Secretary.
4. One Treasurer.
5. Ten Censors.

ART. 22. The President shall be elected for one year; the Vice-Presidents for one year; the Secretary for five years; the Treasurer for five years; the Censors for five years. But every officer shall continue in office until his successor is duly elected and installed.

ART. 23. The election of Censors shall be so arranged that

two vacancies will occur annually by expiration of term of office ; and to fill these vacancies two Censors shall be elected at every annual session of the Association. When vacancies occur in the Board of Censors from any other cause than expiration of term, such as death, resignation, or impeachment, then such additional Censors shall be elected as may be necessary to fill the unexpired terms.

ART. 24. The election of officers shall be done in open meeting, by ballot, and without nomination. Delegates and Counsellors shall vote ; and a majority of all the votes cast shall be necessary to election.

ART. 25. In like manner there shall be elected at every annual session one Orator and one Alternate Orator, whose duty it shall be to prepare and deliver a public address on some subject connected with medicine or the medical profession, at the next annual session.

SECTION VIII.—*The President.*

ART. 26. The President shall be the chief executive officer of the Association. He shall preside at all meetings of the Association, preserve order, give the casting vote when necessary, and perform such other duties as parliamentary usage imposes on presiding officers.

ART. 27. He shall submit to the Association, at every annual session, an Annual Message, devoted to the discussion of the interests, objects, and business of the Association.

ART. 28. He shall every year appoint Regular Reporters on the diseases, surgery, topography, and climatology of the various parts of the State, and on such other matters of professional interest as may in his judgment require investigation.

ART. 29. He shall appoint annually the requisite number of delegates to the American Medical Association, and to such other scientific bodies as it may be expedient to have this Association represented in.

ART. 30. He shall, in the intervals between the annual sessions, direct and control the general policy and business of

the Association, but always with careful attention to the precedents and customary usages of the Association, and to its constitutional provisions. The same person shall not be eligible for the Presidency for two successive terms.

SECTION IX.—*The Vice Presidents.*

ART. 31. The Vice Presidents, in their order, shall, in case of the absence or the death of the President, discharge all the duties belonging to the Presidential office.

SECTION X.—*The Secretary.*

ART. 32. The Secretary shall have charge of all the books, papers, and records of the Association, except those belonging to the office of the Treasurer.

ART. 33. He shall record the minutes of the transactions of the Association in all its sessions.

ART. 34. He shall conduct the correspondence of the Association, under the direction of the President.

ART. 35. He shall have the custody of the Seal of the Association, and affix it to all official documents of the Association, under the direction of the President.

ART. 36. He shall be *ex-officio* Chairman of the Publishing Committee.

ART. 37. He shall keep a list of all the delegates from county societies, who attend the sessions of the Association, and publish their names annually in the Transactions.

ART. 38. He shall keep the Roll of Counsellors, and shall report annually to the House of Counsellors the names of those who have retained their membership by compliance with the provisions of this Constitution, and also the names of those who have forfeited membership, together with the cause of such forfeiture.

ART. 39. In the absence of the Treasurer, he shall collect the annual dues of the Delegates and Counsellors in attendance at the annual sessions.

ART. 40. The necessary expenses incurred by the Secre-

tary in attending the annual sessions, shall be defrayed out of the funds of the Association.

SECTION XI.—*The Treasurer.*

ART. 42. The Treasurer shall have the custody of all the moneys, bonds, and securities belonging to the Association.

ART. 43. He shall collect from the Delegates and Counsellors the annual dues, and give receipts for the same.

ART. 44. He shall, within thirty days after the close of each annual session, issue a circular letter, notifying all Counsellors who were not in attendance of the necessity of prompt payment of their annual dues.

ART. 45. He shall, at the annual sessions of the Association, make annual reports of the financial condition of the Association, stating in full all moneys, bonds, and securities on hand; the several amounts received during the year, from whom, and on what account; the several amounts paid out during the year, to whom, and on what account; the several amounts due by the Association (if any), to whom, and on what account; the several amounts due to the Association (if any), by whom, and on what account.

ART. 46. He shall also include in his annual reports the names of all Counsellors who may have discontinued their membership by failing to pay the annual dues.

ART. 47. He shall furnish the Secretary of the Association, two months after the adjournment of the annual sessions, with the names of all Counsellors and Delegates who have paid their annual dues, as a guide to that officer in the distribution of the annual volumes of Transactions.

ART. 48. He shall transfer none of the money, bonds, or securities of the Association, except on a written order, signed by the President and Secretary.

ART. 49. He shall give bond, with security, to be approved by the Board of Censors, in an amount, to be fixed by the Board of Censors, equal to about double the sum likely to be in his hands at any one time, for the faithful performance of

his duties ; and said bond shall be properly certified and recorded according to the laws of the State of Alabama.

ART. 50. The necessary expenses incurred by the Treasurer in attending the annual sessions, shall be paid out of the funds of the Association.

SECTION XII.—*The Board of Censors.*

ART. 51. The Board of Censors shall hold such meetings, concurrently with the annual sessions of the Association, as the business they have on hand may seem to require ; and the number of Censors present at any session shall constitute a quorum.

ART. 52. The Censors shall elect, from time to time, one of their number to serve as Chairman of the Board, and the Chairman so elected shall serve as such during the remainder of his term of office as Censor. But the office of Chairman of the Board of Censors may also become vacant by the resignation of the incumbent ; and if the incumbent should prove to be negligent or inefficient, he may be removed at any time by the vote of a majority of the quorum of Censors. In the case of the absence, without blame, of the Chairman, a Chairman may be elected *pro tempore*.

ART. 53. The Board of Censors shall act as a General Committee of Reference in all questions relating to the organization and general welfare of the Association.

ART. 54. They shall act as a Court of Impeachment, and try all charges made against officers and members of the Association, and all appeals brought up from the county societies.

ART. 55. They shall examine annually the books and accounts of the Secretary and the Treasurer, and report to the Association the state in which they find them.

ART. 56. They shall prepare, from time to time, under instructions from the Association, instructions for the guidance of the Board of Censors of the county societies, and try all appeals from the same.

ART. 57. They shall examine all persons proposing to

practice medicine in the State of Alabama, who make application to them for that purpose, and issue to such as they find sufficiently well qualified, diplomas, which shall entitle their recipients to receive professional recognition, and to practice medicine in all parts of the State.

ART. 58. All the rulings, decisions, and official acts, of whatever nature, done by the Board of Censors, shall be submitted to the Association in annual reports, to be discussed, approved, modified, or reversed, at the pleasure of the Association.

SECTION XIII.—*Finances.*

ART. 59. Every member of the Association shall pay annually into the treasury the sum of one dollar, which amount shall be collected in the county societies in any way they may themselves prefer ; and shall be sent up, at the time of the annual sessions, in charge of their respective delegates.

ART. 60. Every delegate representing any county society in the Association, shall pay annually into the treasury the sum of five dollars ; and this amount shall be paid before he signs the Roll of Delegates and receives his certificate of attendance.

ART. 61. Every Counsellor of the Association shall pay annually into the treasury the sum of ten dollars ; and if he is in attendance at the session, this amount shall be paid before he receives his certificate of attendance ; but if he is not in attendance at the annual session, it shall be transmitted to the Treasurer within two months after the adjournment.

ART. 62. None of the funds of the Association shall ever be appropriated to furnishing festivals or entertainments at its sessions ; nor for any purpose whatever except such as may look directly to the advancement of medicine, including first under this head the publication of an annual volume of Transactions.

SECTION XIV.—*County Societies.*

ART. 63. As rapidly as it can be done, County Medical

Societies shall be organized in all the counties of the State, under charters derived from the State Association.

ART. 64. The county medical societies shall have immediate jurisdiction over the medical profession, and over all the interests of the medical profession in their respective counties; but shall be under the general control and direction of the State Association.

ART. 65. They shall adopt the Code of Ethics of the American Medical Association.

ART. 66. They shall admit as members none but regular graduates of reputable medical colleges, and these only under such rules and regulations as shall be from time to time determined by the State Association.

ART. 67. They shall have the right to make laws and regulations for their own government; to elect their own officers; to appoint their own delegates to the American Medical Association; and to perform all other medical acts not inconsistent with the constitution of this Association.

ART. 68. Every County Society shall appoint annually two Delegates to represent the views and interests of its members in the State Association.

ART. 69. Every County Society shall transmit annually to the State Association through its Delegates: 1st. The annual contribution of one dollar from each member of such County Society. 2d. The Report of the Secretary of such County Society of the roll of its officers and members, giving names and postoffices in full, together with anything of interest which may have occurred in the Society during the year. 3d. Such essays on medical or surgical topics, and such reports of cases as may be esteemed of sufficient importance to be submitted to the consideration of the State Association.

ART. 70. Every County Medical Society shall have a Board of Censors, consisting of three of its most honored and trusted members; and these Boards of Censors shall have it in special charge to do three things, namely:

ART. 71. 1st. To make a register of all the practitioners of medicine in their respective counties who hold diplomas

of reputable medical colleges, and who are in good standing, and to publish the same; and the courtesies of the profession as to consultation, etc., shall not be accorded to any practitioner whose name is not registered.

ART. 72. 2d. To examine all persons hereafter proposing to study medicine in their respective counties; and no practitioner shall receive as a student of medicine any one who does not hold a certificate of having passed a favorable preliminary examination of the Board of Censors of his county.

ART. 73. 3d. To examine carefully every person who proposes hereafter to commence the practice of medicine in their respective counties, provided such person holds the diploma of a reputable medical college. The names of such as pass a favorable examination shall be entered on the Register of Physicians for the county, and he shall be admitted to all the privileges of the profession; but such as pass an unfavorable examination, shall not receive professional recognition.

ART. 74. But if any person so proposing to begin the practice of medicine in any county, holds the diploma of the Board of Censors of the State Association, he shall be registered, without examination, by the County Board of Censors.

ART. 75. The Register of Physicians for the several counties shall be published annually, in such way as the several County Societies shall direct, for the information of the profession and the public.

ART. 76. Compliance with the requirements of Articles 70, 71, 72, 73, 74, and 75, shall be left to the discretion of the several County Societies during a period of ten years, reckoned from the date of the adoption of this constitution.

ART. 77. The County Societies shall all consider themselves bound to abide by the decisions of the majority of the members at any annual session of the Association, whether the votes of their own delegates be recorded in that majority or not.

ART. 78. Every county society, within whose bounds the State Association shall determine to hold any annual session, shall make all necessary arrangements for the same.

SECTION XV.—*Business of the Association.*

ART. 79. The Association shall hold one session every year, at such time and place as a majority of votes may determine; Provided, however, that the Association shall not meet at any one place for two consecutive years.

ART. 80. The general order of business at the annual sessions of the Association shall be as follows, namely:

1. The registration of delegates and counsellors in attendance. This can be mostly done under the supervision of the officers before the Association is called to order.

2. Formal opening of the session, including call to order by the President; prayer; address of the Committee of Arrangements; and the annual message of the President.

3. The revision of the minutes of the last meeting for the correction of any errors into which the Secretary may have fallen.

4. Reports of the Secretary, the Treasurer, and Special Committees.

5. Business Reports from County Societies, as to status, membership, etc.

6. Motions, resolutions, and miscellaneous business.

7. Essays of the Regular Reporters in alphabetical order of reporter's names.

8. Medical Essays and Reports sent up from County Societies.

9. Volunteer Essays and Reports submitted by permission of the Association.

10. Report of the Board of Censors.

11. Motions, resolutions and miscellaneous business.

12. Revision of the Roll of the County Societies.

13. Revision of the Roll of Counsellors.

14. Revision of the Roll of Correspondents.

15. Election and installation of officers.

16. Unfinished and neglected business.

17. Adjournment.

ART. 81. The order of business, laid down in Article 80, may be suspended at any time by a vote of two-thirds of the members present.

SECTION XVI.—*Offenses and Punishments.*

ART. 82. Every member who shall be guilty of unprofessional conduct, by violation of the Code of Ethics, or of any gross immorality, or conduct unbecoming a gentleman, shall be expelled from the Association, and shall forfeit all professional recognition and courtesy; or, if the case is not sufficient to justify expulsion, he shall be subjected to such censure as the Association may think warranted by the circumstances.

ART. 83. All charges of unprofessional conduct, or of any malfeasance against any member or officer of the Association, shall be made to the President in writing, and shall be authenticated by the signature of at least two members of the Association.

ART. 84. All such charges shall be read by the Secretary at the annual session of the Association; and shall be spread on the minutes, and then referred to the Board of Censors for investigation.

ART. 85. The Board of Censors shall make their investigation of charges referred to them as speedily as may be consistent with the attainment of correct knowledge in the premises, and make such report to the Association as will enable the Association to have a proper understanding of the case.

ART. 86. Every member against whom charges are alleged shall have the right to be heard in his own defense, either in person or by counsel; and shall be furnished with a copy of the charges against him, and allowed a reasonable time to obtain any necessary testimony.

ART. 87. The case being brought back to the consideration of the Association, by the report of the Board of Censors, shall be subjected to such discussion as the Association may determine, and shall be decided by vote, by ayes and noes.

ART. 88. A vote of censure may be passed by a majority

of the members present; but a vote of expulsion shall require the concurrence of two-thirds of the members present.

ART. 89. The State Association shall have appellate jurisdiction in all trials before County Societies. In all such cases a full report of the proceedings in the case of the County Society shall be presented to the Association properly authenticated. The charges shall be referred to the Board of Censors, and the whole process of trial shall be in conformity with the provisions of the previous articles of this section.

SECTION XVII.—*Amendments.*

ART. 90. All amendments of the provisions of this Constitution shall be proposed in writing, at a regular annual session of the Association, shall lie over until the next annual session, and shall then require for enactment a majority of two-thirds of the members present, the vote being taken by ayes and noes.

COMMENTARIES AND EXPLANATIONS.

It is very generally known that the plan of organization of the Medical Association of the State of Alabama differs very widely from that of the majority of medical societies in this country; but it is not appreciated, as it ought to be, that the peculiar provisions of our Constitution are due entirely to the character of the great work which we have undertaken to accomplish. The means which we have chosen to adopt can not be wisely judged of, unless they are considered in connection with the object which we have in view, and this object is nothing less than the regeneration of the medical profession in the State of Alabama, in its legal, ethical, and educational relationships, and the elevation of it to the high position of dignity, influence, usefulness, and honor which it ought of right to occupy before the law of the State and before the bar of public opinion.

From the beginning of our movement, we have appreciated that the success we coveted could be had in no other way than by a large expenditure of time, of labor, and of money; and we have not, therefore, indulged in romantic and visionary hopes, but have proceeded with definite purposes in view, and under the guidance of definite principles of action which, so far, have undergone no change.

A few quotations from past volumes of the Transactions, will serve better than any thing else for the illustration of our plans and purposes:

(1.) "The importance of a thorough organization of the profession can not easily be overestimated. There are three leading objects which every true

physician has always in mind, any one of which is sufficient incentive and reward for all the labor and expense which the most thorough organization would require.

"The first of these relates to the influence of proper organization over the profession itself, over the profession as a whole and over every one of its individual members, in the upholding of a high standard of medical education and of medical ethics, and in the promotion of professional brotherhood and high-toned, chivalric emulation in the elevation of professional character, and the advancement of professional interests.

"The second relates to the influence of proper organization over public opinion and State legislation, and involves such questions as the protection by provision of law of the medical profession in its legitimate privileges, and the protection of the general public against all the demoralizing and destructive agencies of medical ignorance and quackery.

"The third relates to the influence of proper organization over the advancement of medical science and medical art, by the systematic elucidation of the climatic, endemic and epidemic influences at work in the different sections of the State, together with the development of our indigenous therapeutic resources, and such contributions to practical medicine as our physicians may be able to discover.

"The difficulties that stand in the way of thorough organization, have not been overlooked. The State is large and sparsely settled, and the means of intercommunication between the different sections are not always expeditious and convenient. With the multiplication of railroads and the improvement of our river navigation, these difficulties will gradually become of less magnitude; but, in the nature of things, they must always continue to be of very embarrassing dimensions. It is not to be expected, however, that any great enterprise can be conducted without labor and expense, and personal self-sacrifice; and it is not to be doubted that there is a sufficient amount of intelligence in the medical profession to appreciate the immense importance of the work in contemplation, and a sufficient amount of unselfish devotion and professional pride to secure its consummation."—See Transactions of 1871, p. 18.

(2.) "We have no hesitation in saying that the medical profession is fully able to bring about a reformation of all the evils from which it suffers; but this consummation, most devoutly to be wished, cannot be accomplished by wishing—cannot be accomplished either by means of grandiloquent speeches and paper resolutions—can, indeed, be accomplished only in one way, namely: By wise and resolute work, and by thorough organization and concert of action among the members of the profession; for always true are the mystic utterances of Emerson,

Rewards cleave to deserts.
And power to him who power exerts.
All that Nature made thine own,
Floating in air, or pent in stone,
Will rive the rocks and swim the sea,
And like thy shadow follow thee.

"To construct out of the scattered members of our profession a powerful organization, and through this organization to secure concert of action and the prevalence of wise and prudent counsels, this is the mission of our Association.

"It is fitting that this mission of the Association should be always borne in mind by its members, so that we may always appreciate our obligations and responsibilities ; so that we may see clearly what our duty is and pursue it with unwavering resolution ; so that each one of us may always remember that it is not for his own advancement that he is to labor, but for the advancement in honor, dignity and influence of the medical profession. It is also well that we should understand further, that the primary and principal object of the Association is not the cultivation of the science and art of medicine. Truly, this is a matter not to be neglected, and we hope to accomplish something in this direction also. But it is not this that we have chiefly at heart. Studies of this sort might, perhaps, be pursued quite as profitably and much less expensively at home. We will appreciate most adequately the real character of the Association if we regard it as a Medical Legislature, having for its highest function the governmental direction of the medical profession of the State, while its other functions, important as they are in themselves, are, in comparison with this, of quite subordinate rank."—See Transactions of 1875, pp. 27-28.

(3.) "On the important subject of medical legislation we have some suggestions to make for the consideration of the Association. As the Board of Health of the State, it will be the duty of this Association to recommend to the General Assembly, from time to time, the enactment of such laws as may seem to be required for the advancement of the sanitary interests of the State ; and as the organic representative of the Medical Profession, we conceive that it is also the province of this Association to recommend to the General Assembly the enactment of such laws as may be required for the regulation of the practice of medicine in the State. It seems to us, indeed, that no laws affecting the interests of the Medical Profession in any way, should be allowed to go before the General Assembly without first having received the endorsement of the Association.

Bills of the character here referred to are not infrequently pressed upon the consideration of the General Assembly, and this, too, upon the suggestion of medical men. But a few medical men without organization or concert of action with the profession at large, ought not to presume to influence legislation which is to affect the whole profession. It happens, too, unfortunately, that the legislation thus sought is not always free from serious objection. Take in illustration a single example : There was a proposition before the General Assembly during its last session to relieve physicians from the payment of the State license tax. Now we are of the opinion that it is very bad policy to be annoying the law-makers of the State with applications for such small favors as this. We are not willing that medical men shall condescend to be beggars. The spirit of the mendicant is little in harmony with the dignity and with the glorious traditions of our profession ; and this clamoring for small favors can-

not fail to degrade us in the estimation of thinking men. But not only do we believe it to be bad policy to beg the State for small favors. We go still further and take still higher ground. We ought to make it an inflexible rule *never to seek to influence the enactment of laws that are for our own exclusive benefit.* Let us ask nothing of the General Assembly which is not quite as much for the advantage of the general public as of the profession of medicine."—See Transactions of 1875, p. 36.

(4.) "We have too many doctors, and the standard of qualifications for graduation in our multitudinous medical colleges, is deplorably, we might almost say shamefully, low. We all know that the profession is crowded with incompetent men, and that other incompetent men are annually gaining admission into its ranks. We all agree that this ought not to be so; that it is an evil which is constantly increasing; and that something ought to be done to put a stop to it. But up to this time the question, How shall it be stopped? has received no practical solution. Are we, therefore, to lose heart and hope, and to fold our hands, in the apathy which is born of despair? Nay, verily—a thousand and a thousand times, No! The evil has grown out of the fact that the medical profession, instead of guarding the doors of admission to their ranks with jealous scrutiny for themselves, have left the examination of students, and the conferring of the degree of doctor of medicine, entirely in the hands of the faculties of the medical colleges. But this evil, colossal as it has grown to be, will be utterly destroyed whenever the profession, in good faith, make the simple resolution, and act up to it, *That they will no longer recognize the diplomas of the medical colleges, but will determine for themselves to whom, and upon what terms, they will accord professional recognition and fellowship.*"

(5.) "In relation to the overcrowding of the medical profession by incompetent men, we believe that the evil can be materially diminished by the application of very simple measures, provided, that the application of these measures is faithfully made. We would have it assaulted where it is most vulnerable, namely, in its cradle—in its very origin and inception. If nobody was allowed to commence the study of medicine except such persons as have good natural ability and a decent preliminary education, it is easy to see that the number of doctors annually graduated in this country would be very greatly diminished, and would be diminished by the exclusion of that class of doctors which it is most desirable to get rid of, namely, the class of ignoramuses and incompetents. We, therefore, recommend, very earnestly, that the County Medical Societies be advised to put at once into practical operation that article of the Constitution which makes it the duty of the Boards of Censors of said County Medical Societies to examine all persons proposing to commence the study of medicine, and that no practitioner of medicine shall receive into his office as a student any one who does not hold a certificate of having passed this preliminary examination favorably."—See Transactions of 1878, p. 88.

THE CODE OF ORDINANCES.

AN ORDINANCE IN RELATION TO THE ROLLS AND RECORDS.

Be it ordained by the Medical Association of the State of Alabama, 1. That the Secretary of the Association shall keep a book, of size and style suitable for the purposes intended, in which there shall be recorded these four Rolls, namely: (1) The Roll of the County Medical Societies holding Charters from the Medical Association of the State of Alabama; (2) The Roll of the Officers of the Medical Association of the State of Alabama; (3) The Roll of the College of Counsellors of the Medical Association of the State of Alabama; (4) The Roll of the Correspondents of the Medical Association of the State of Alabama. This book to be bound in blue, and to be known as the Book of the Rolls of the Medical Association of the State of Alabama, and to be used as the basis for the revision of the rolls prescribed in the Constitution.

2. That the Secretary of the Association shall keep a photographic album, of size and style suitable for the purpose intended, and capable of containing one hundred photographic portraits. This album to be bound in red, and to be known as the Book of the Portraits of the Medical Association of the State of Alabama, and in it there shall be inserted the photographs of those Counsellors who have served the Association as such for five consecutive years, every Counsellor so honored to furnish his own photograph.

3. That the Secretary of the Association shall keep a book, of suitable size and style for the purpose intended, arranged with alternate leaves for the reception of photographs and for the reception of records, and capable of containing one hundred of each. This book to be bound in gold, and to be known as the Book of the Dead—the Grand Roll of Honor—of the Medical Association of the State of Alabama, and in it there shall be inserted upon the death of any Counsellor the same photographic likeness of him that was before contained in the Book of Portraits, together with a sketch of his life,

AN ORDINANCE IN RELATION TO THE REVISION OF THE ROLLS.

Be it ordained by the Medical Association of the State of Alabama, That the revision of the four following Rolls, namely: (1) The Roll of the County Medical Societies; (2) The Roll of the College of Counsellors; (3) The Roll of the Correspondents; (4) The Roll of the Officers; shall constitute a part of the regular order of business at every Annual Session of this Association.

SECTION I.—*The Order of the Revision of the Roll of the County Medical Societies.*

Be it further ordained, (1.) That whenever at any annual session of the Association the time comes for the Revision of the Rolls, the President shall make the announcement thus: Gentlemen of the Association, the order of business now is the Revision of the Rolls; and he shall see that the Secretary, the Treasurer, and the Senior Censor, are in their several places.

(2.) He shall then say: We will proceed to the Revision of the Roll of the County Medical Societies; then, addressing the Secretary, he shall continue: The Secretary will call the Roll of the County Medical Societies; which the Secretary will proceed to do, naming them in the order in which they stand in the Book of the Rolls.

(3.) When the Secretary calls the name of any County Medical Society, the proper representative of such society shall respond: Present by one delegate—or, present by two delegates, as the case may be—and the annual report has been duly rendered.

(4.) Or, if there is no delegate present, the response may be made by any Counsellor belonging to the same county, who has been so authorized: Not present by delegates, but the annual report has been duly rendered.

(5.) Or, if the facts give such warrant, the Secretary may respond: Not present by delegates, but the annual report has been rendered through the mail.

(6.) Or, if the facts give such warrant, the Secretary may

respond : Not present by delegates, but the annual report has been rendered.

(7.) As the response is made the President shall give the order : Let it be so entered on the Roll.

(8.) Then the President shall ask : Shall the Medical Society of blank county pass ?

(9.) And if the facts give such warrant, the Senior Censor shall answer : Let it pass.

(10.) Or if the facts give such warrant, the Senior Censor shall answer, stating why it should not pass, as thus : On the recommendation of the Board of Censors, it has been ordered by the Association that this Society shall be expelled from the fellowship of the Association ; and I therefore move it be stricken from the Roll.

(11.) Whatever the decision may be, the President shall say : It is so ordered ; and the record shall be made accordingly.

(12.) When the Secretary has finished the calling of the Roll, the President shall say : Have all of the County Medical Societies been called ? and this to the end that if there has been any oversight it may be corrected at once.

(13.) Then the President shall say : Are there any County Medical Societies to be added to the Roll ?

(14.) And if the fact is so, the Senior Censor shall answer : No application for Charters have been made during the present session of the Association, and there are, therefore, no additions to be made to the Roll.

(15.) Or if the fact is so, the Senior Censor shall answer : During the present Session of the Association charters have been granted to the following County Medical Societies (here naming them), and I therefore move that they be added to the Roll.

(16.) Then the President shall say : It is so ordered. The revision of the First Roll is here ended. The Roll of the County Medical Societies stands closed until the next annual session of this Association.

SECTION II.—*The Order of the Revision of the Roll of the College of Counsellors.*

Be it further ordained, (1.) That when the Revision of the Roll of the County Medical Societies has been concluded, the President shall make announcement thus : Gentlemen of the Association, the order of business is still the Revision of the Rolls ; we will proceed to the Revision of the Roll of the College of Counsellors.

(2.) Then, addressing the Secretary, he shall continue : The Secretary will call the Roll of the Counsellors.

(3.) Then the Secretary shall proceed to call the Roll of the College of Counsellors, naming them in the order in which they stand in the Book of the Rolls.

(4.) When the Secretary calls the name of any Counsellor, if he is present, he shall answer accordingly. Then the President shall say : The Counsellor answers to his name. If there is no objection, he will be passed.

(5.) Or if the Counsellor is not present, any friend who has been authorized to do so, may answer for him according to the facts. Then the President shall say : You have heard the statement in relation to the Counsellor. If there is no objection, he will be passed.

(6.) Or if the Counsellor has written to the Secretary, that officer may answer for him according to the facts. Then the President shall say : You have heard the Secretary's statement in relation to the Counsellor. If there is no objection, he will be passed.

(7.) Or if no one is prepared to answer for the Counsellor whose name is called, then the President shall inquire first, of the Secretary, and then of the Treasurer : Is the Counsellor clear of the books ? And if the replies are satisfactory, he shall say : You have heard the statements of the Secretary and of the Treasurer in relation to the Counsellor. If there is no objection, he will be passed.

(8.) If there is any reason why the Counsellor should not be passed, this reason must be stated by the proper officer.

9.) If the reason is non-attendance, the Secretary must answer: I regret to have to make objection, but the Counsellor has been absent from the annual sessions of the Association for three consecutive years.

(10.) If the reason is non-payment of dues, the Treasurer must answer: I regret to have to make objection, but the Counsellor's dues for the last year have not been paid.

(11.) If the reason is a vote of expulsion, the Senior Censor must answer: I regret to have to make objection, but the Counsellor has been expelled from the fellowship of the Association.

(12.) If the objection stated is not controverted, the President shall say: I regret to have to make the order, but the rules of the Association must be enforced; the Secretary will strike the gentleman's name from the Roll of the College of Counsellors, and duly notify him of the fact.

(13.) If any Counsellor offers his resignation, it shall be presented when his name is called, and such action shall be taken in the premises as the Association may see fit to order. If the resignation is accepted, the President shall say: The Secretary will strike the name of the Counsellor from the Roll of the College of Counsellors, and will also give him due notice that his resignation has been accepted; and will add to the notice the expression of our regret at the severance of his connection with us.

(14.) When the name is called of any deceased Counsellor, whoever may feel authorized to answer, shall say: He has departed from this life, and has gone to his reward. Then the President shall say: We are grieved to hear of the death of our brother Counsellor; let us cherish his memory in our hearts; and (in the case of a Junior Counsellor) let his name and record be transferred to the Grand Roll of Honor; and (in the case of a Senior Counsellor) let his portrait and his record be transferred to the Grand Roll of Honor. *Requiescat in pace.*

(15.) When the Secretary has finished the call of the Roll, the President shall say: Have all the Counsellors been

called? and this to the end that if any oversight has been made, it may be corrected at once.

(16.) Then the President shall say: Are there any vacancies in the College of Counsellors? And the Secretary shall state what vacancies exist, if there are any.

(17.) Then the President shall say: What is the will of the Association in relation to the vacancies in the College of Counsellors? Thereupon such action shall be taken as the Association may see fit to order.

(18.) If no vacancies are reported, the President shall say: I congratulate the Association that the century of the College of Counsellors is complete; long may it remain unbroken.

(19.) If any new Counsellors have been elected, the President shall say: Drs. Blank and Blank, having been duly elected to the College of Counsellors of this Association, the Secretary will notify them accordingly; and if they comply with the rules and accept the position, he will so report to the next session of this Association; or if any of them fail to accept the position, he will also report the facts accordingly.

(20.) Then the President shall say: Are there any Junior Counsellors who are entitled to be passed to the grade of Senior Counsellor? And the Secretary shall answer by reading the names of all the Junior Counsellors who shall have served as such during the full period of five consecutive years.

(21.) Whereupon the President shall say: If there is no objection, the Junior Counsellors of five years standing, whose names have been read by the Secretary, will be passed to the grade of Senior Counsellor; (and if no objection is made, he shall continue:) It is so ordered; and the Secretary will so notify them, and will also request their photographs for insertion in the Book of the Portraits.

(22.) Then the President shall say: Are there any Senior Counsellors who are entitled to be passed to the grade of Grand Senior Counsellor? And the Secretary shall answer by reading the names of all the Senior Counsellors who have served as such for the full period of five consecutive years.

(23.) Whereupon the President shall say : If there is no objection, the Senior Counsellors of ten years standing, whose names have been read by the Secretary, will be raised to the grade of Grand Senior Counsellor; (and if no objection is made, he shall continue :) It is so ordered ; and the Secretary will so notify them, and they will be duly invested with the Counsellor's Medal, as the badge of the new dignity which they have worthily obtained.

(24.) The President shall then say : Is there anything else to be done in relation to the Revision of the Roll of the College of Counsellors ? And if there is nothing, he shall add : The revision of the Second Roll is here ended. The Roll of the College of Counsellors stands closed until the next annual session of this Association.

SECTION III.—*The Order of the Revision of the Roll of Correspondents.*

Be it further ordained, (1.) That at the conclusion of the revision of the Roll of the College of Counsellors, the President shall say : Gentlemen of the Association, the order of business is still the Revision of the Rolls ; we will proceed to the Revision of the Roll of the Correspondents.

(2.) Then, addressing the Secretary, he shall continue : The Secretary will call the Roll of the Correspondents.

(3.) The Secretary shall then proceed to call the Roll of the Correspondents, naming them in the order in which they stand in the Book of the Rolls.

(4.) When the name is called of any correspondent, inquiry shall be made in relation to him by the President : Whether he has been recently heard from ; whether the Secretary has been in communication with him ; whether he is still living ; and other such questions.

(5.) If it should appear that any Correspondent has died, the President shall give order to have his name stricken from the Roll of the Correspondents, and such other action shall be taken in relation thereto as the Association may see fit to order.

(6.) Then the names of such Correspondents as have been elected at the current session shall be added to the roll, on the order of the President.

(7.) The President shall then say : The Revision of the Third Roll is here ended. The Roll of the Correspondents stands closed until the next annual session of this Association.

SECTION IV.—*The Revision of the Roll of the Officers.*

Be it further ordained, (1.) That at the conclusion of the revision of the Roll of the Correspondents, the President shall say : Gentlemen of the Association, the order of business is still the Revision of the Rolls ; we will proceed to the revision of the Roll of the Officers.

(2.) Whereupon the Secretary shall proceed to read the list of the offices to be filled ; and the election shall then be made in the mode prescribed in the Constitution.

(3.) The balloting for officers shall follow the order in which they are named in the Constitution ; but in balloting for Vice-Presidents and Censors, two names may be included in the same ballot.

(4.) When the election is finished, the President shall announce the names of the officers elect ; and he shall then say : Have all the vacancies in the Roll of Officers been filled ? If the response is in the affirmative, he shall add : The revision of the Fourth Roll is here ended. The Roll of the Officers stands closed until the next annual session of this Association.

(5.) The President shall then make the formal announcement : The revision of the Four Rolls having been completed, the Book of the Rolls stands closed until the next annual session of this Association. The next order of business is the installation of the Officers Elect.

(6.) It is to be understood that this ordinance is designed to indicate the general plan of procedure for the Revision of the Rolls ; but it is not obligatory to the extent of requiring that the exact words of the ordinance shall be used in every instance.

Done in annual session, in the city of Selma, on the 11th day of April, Anno Domini, one thousand eight hundred and seventy-nine.

AN ORDINANCE IN RELATION TO THE COMMITTEE OF PUBLICATION
AND ITS DUTIES.

Be it ordained by the Medical Association of the State of Alabama, (1.) That the Committee of Publication contemplated by Article 36 of the Constitution, is hereby created, to consist of the Secretary of the Association, who is ex-officio the Chairman of it, and of two other members of the Association, to be appointed by the President from time to time as occasion may require.

(2.) That these appointments shall be made, as to the place of residence and the personal fitness of the appointees, with the view to secure the publication of the Transactions under the most favorable circumstances, and in an appropriate and uniform style of typography.

(3.) That the Committee of Publication shall have full editorial supervision over the Transactions, and shall determine what papers and parts of papers shall be admitted to publication, subject only to the orders of the Association and to the provisions of this ordinance.

(4.) That the title page of every annual volume of the Transactions shall bear two titles, namely, the principal title in the words "The Transactions of the Medical Association of the State of Alabama," and the subordinate title in the words, "The Report of the State Board of Health," and below these the number and date of the session, together with the seal of the Association and other necessary details.

(5.) That after the title, the preface, and other such like preliminary matter, the contents of the annual volumes shall be arranged in three separate divisions.

(6.) That the first of these divisions shall be entitled, "The Minutes of the Proceedings of the Medical Association of the State of Alabama," and shall include in their several places:

The Address of the Committee of Arrangements; The Annual Message of the President; The Annual Report of the Secretary; The Annual Report of the Treasurer; The Annual Report of the Board of Censors; The Annual Revision of the Rolls; together with the usual Record of motions, resolutions, discussions, etcetera.

(7.) That the second of these divisions shall be entitled, "The Register of the Medical Association of the State of Alabama," and shall include, in the order named: The Roll of the County Medical Societies, with the names and post-office address of the Presidents and Secretaries of the Societies, and of the Presidents of their Boards of Censors; The Roll of the College of Counsellors, with dates of election and post-office addresses; The Roll of the Correspondents, with dates of election and post-office addresses; The Roll of the Officers, with dates of election and post-office addresses; The Schedule of the Regular Reporters, with subjects and post-office addresses; The Schedule of the Special Committees (when there are any); The Schedule of the Sessions of the Association, with dates and places, and names of Presidents and Vice-Presidents; The Obituary Record; and after these such other matter of similar character as the Association may from time to time direct.

(8.) That the third of these divisions shall be entitled, "The Appendix of Medical and Sanitary Dissertations and Reports," and shall include the Annual Oration; the essays of the Regular Reporters, arranged in such order as the Committee of Publication may determine; and after these, such other papers as it may become expedient to publish.

(9.) That the Committee of Publication shall publish of every annual volume of the Transactions a sufficient number of copies for distribution to the members of the Association, for exchange with other Associations and Boards of Health, and for the supply of such other demands as it may from time to time become expedient to provide for.

(10.) That in the distribution of the Transactions, every Counsellor of the Association is entitled to two copies of

every annual volume; every Delegate to one copy; every Correspondent to one copy; and every other member to one copy; and that every visiting delegate from other State Associations shall have forwarded to him a complimentary copy of the Transactions of the session at which he was present.

(11.) That in carrying out the provisions of this ordinance, the Committee of Publication shall always scrupulously refrain from involving the Association in debt, and that no copies of the Transactions shall be distributed to such members of the Association, of whatever grade, as have failed to pay the annual dues according to the provisions of the Constitution.

Done in the city of Selma, on the 11th day of April, *Anno Domini*, one thousand eight hundred and seventy-eight.

AN ORDINANCE IN RELATION TO REPORTS AND DISCUSSIONS.

Be it ordained by the Medical Association of the State of Alabama, (1.) That in the appointment of the Regular Reporters authorized by the Constitution of this Association, the President shall, in all cases, expressly designate the subject upon which each and every Reporter is appointed to write.

(2.) That no Reporter's name shall be announced in the Schedule of the Regular Reporters until he has first agreed in writing to prepare a paper on the subject assigned to him.

(3.) That all Reports and Papers, whether Regular or Volunteer, shall be fairly and legibly written out; and shall be handed to the Secretary before the adjournment of the Session at which they have been presented; and that Papers and Reports in regard to which these rules have not been observed shall not be submitted to the Committee of Publication.

(4.) That no Report of any Regular Reporter—and no Volunteer Paper or Report shall be allowed to occupy in the reading of it more than thirty minutes; except that when the Report or Paper is deemed to be of exceptional interest or value, by the unanimous consent of the Association, the time may be extended; but the whole time is not, in any case, to exceed one hour.

(5.) That the authors of lengthy Reports and Papers are expected to prepare abstracts of them for reading before the Association, the time allotted to such abstracts not to exceed thirty minutes ; and that when such abstracts are read, they shall be submitted, together with the complete Reports or Papers themselves, to the Committee of Publication.

(6.) That the Regular Reporters shall be called in the alphabetical order of their names ; and that if any one of them fails to read his Report in its regular order, his name shall not be called a second time until the end of the schedule has been reached.

(7.) That all persons who desire to read Volunteer Reports or Papers shall hand their names and the subjects of their Reports and Papers to the Secretary, who shall prepare a schedule of the same in the alphabetical order of the author's names, which shall be called in the same way as is prescribed in the preceding section for the schedule of the Regular Reporters.

(8.) That in the discussion of the Reports and Papers here in question no member who engages in the debate shall be allowed to speak at any one time more than thirty minutes ; nor more than twice in the discussion of any one Report or Paper.

(9.) That no abstract of the remarks made by any speaker, whether in the discussion of the Regular Reports, or of Volunteer Papers, or in the Omnibus Discussion, shall be published in the Minutes of the Proceedings of the Association, unless such abstract is furnished in writing to the Secretary by the Speaker himself ; and then only at the discretion of the Committee of Publication.

Done in Annual Session, in the City of Huntsville, *Anno Domini*, one thousand eight hundred and eighty.

MISCELLANEOUS ORDERS.

(1.) That the annual sum of one hundred (\$100) dollars be and is hereby appropriated out of the funds of the Association, in full payment of all claims of the Secretary of the

Association, under Article 40 of the Constitution, said sum to be paid only when the Secretary or his accredited representative is in actual attendance at the annual sessions.

(2.) That the annual sum of one hundred (\$100) dollars be and is hereby appropriated out of the funds of the Association, in full payment of all claims of the Treasurer of the Association under Article 50 of the Constitution, said sum to be paid only when the Treasurer or his accredited representative is in actual attendance at the annual sessions.

(3.) That the Secretary shall prepare for publication in the Register of the Association, in connection with the Roll of the County Medical Societies, a classified list of the practitioners of medicine in the several counties, designating them, according to their actual status, as regulars and irregulars, graduates and non-graduates; and that said list shall be annually revised so as to keep it as far as possible in harmony with existing facts.

(4.) That the Board of Censors be and are hereby charged with the duty of issuing from time to time for the use of the Association, such revised and amended editions of the Book of the Rules as to them may seem to be needed.

(5.) That in the judgment of this Association it is very desirable that all the County Medical Societies, that have not already done so, should as speedily as possible put into operation the rule for the preliminary examination of such persons as propose to begin the study of medicine.

(6.) That until otherwise ordered the Association shall meet annually on the second Tuesday in April and continue in session four days.

(7.) That until otherwise ordered during the annual sessions the daily meetings shall extend from 10 o'clock A. M. to 3 o'clock P. M., except on the first day of the session, when the Association shall be called to order promptly at 12 o'clock, noon, and shall adjourn at 3 o'clock P. M.

(8.) That the Annual Oration shall be delivered on the evening of the first day of the session.

FORM OF CHARTER FOR COUNTY SOCIETIES

The Medical Society of the County of ———, with officers and members following, to-wit :

And with a Constitution, which has been approved by our Board of Censors, is by these presents admitted into the fellowship of the Medical Association of the State of Alabama.

Done in Annual Session, in the city of ———, A. D. 1874, on the 15th day of April. Signed by the President and the Secretary, and sealed with the seal of the Association.

THE DUTIES OF THE PRESIDENT.

The duties of the President are given in outline in Section VIII of the Constitution, but it seems to be advisable to add here some additional suggestions, as follows :

(1.) In accordance with article 27, it is intended that the Annual Message of the President shall be strictly "devoted to the discussion of the interests, objects, and business of the Association;" and not to the scientific discussion of some subject belonging properly to practical medicine or public hygiene, considered as departments of human knowledge.

(2.) As a rule, the subjects assigned to the Regular Reporters should stand in some definite relation to the State of Alabama. For example, "Pneumonia," or "Phthisis," is hardly an appropriate subject for a regular report; but "Pneumonia as it occurs in Alabama," would be an appropriate subject. So, also, would be any subject connected with the medical topography, or the medical climatology of the State, or any part of it, or with the endemics or the epidemics from which the people of the State are accustomed to suffer. Nor could any fault be found with general reports on recent advances in special departments of medicine, or in our knowledge of special diseases.

(3.) The President should appoint the Regular Reporters within thirty days after the close of the annual session of the Association, so as not to delay the Committee of Publication in the issue of the annual volume of Transactions. He should also appoint his committees promptly, and should see

that the Secretary and the Treasurer are not negligent of their respective duties.

(4.) The President should direct the Omnibus Discussion in such way as to secure the accomplishment of the purpose for which it was instituted. This discussion was not intended to open the way to elaborate lectures on special diseases, or on leading medical questions of any sort; but rather to enable the members, for their mutual instruction, to elucidate their opinions in short speeches in relation to medical topics of current interest; such as details of personal experience in the use of new remedies; or in the new applications of old remedies; or original or peculiar views in reference to the nature of diseases and their treatment; or of facts in relation to endemic and epidemic influences; or, in short, to elicit the salient points of professional experience and opinion in a brief and informal way. Speeches in the Omnibus Discussion ought not usually to occupy more than five minutes, and as many members as possible should be encouraged to take part in it. The leader should make his opening speech as discursive as possible, with a view to the provoking of the widest possible range of discussion.

THE DUTIES OF THE SECRETARY.

The duties of the Secretary are detailed in Section X of the Constitution. Other duties which he is also expected to discharge are included in the Ordinance in Relation to the Rolls and Records, and in the Ordinance in Relation to the Committee of Publication and its duties, both of which will be found in their proper places, and in the ordinance which here follows, which was passed at the Mobile session of 1876:

Be it ordained by the Medical Association of the State of Alabama, (1.) That every year the Secretary of this Association shall forward to every one of its correspondents a copy of the Transactions for the current year, as is now required by the Constitution.

(2.) That the Secretary shall also forward, at the same time, a suitable communication to every such correspondent,

requesting that he will acknowledge the reception of the Transactions, and reminding him that the Association will be pleased to receive from him, from time to time, such contributions on medical topics as he may feel disposed to make.

(3.) That the Secretary shall also furnish to correspondents the same circular notice, with reference to the time and place of holding the annual sessions, as is furnished to other members of the Association.

Besides the duties already mentioned, so many incidental duties devolve upon the Secretary that it has been deemed advisable to sum them up here in a regular schedule, so that none of them may be overlooked.

Before the annual sessions, his duties are—

(1.) To write to the Chairmen of all the Special Committees to ascertain if their reports will be ready.

(2.) To write to all the Regular Reporters to ascertain if their reports will be ready.

(3.) To place himself in communication with the local Committee of Arrangements so as to be certain that all the usual arrangements for the session are duly made.

(4.) To issue an annual circular to all of the members of the Association, stating the character of the business that will come before the approaching session, and reminding the Secretaries of the County Societies of the annual reports which they are required to make to the Association, together with such additional suggestions as may from time to time seem advisable.

During the Annual Sessions, his duties are, in addition to keeping the Minutes of the Proceedings—

(1.) To attend at the hall where the session is to be held on the first day of the session from 10 o'clock, A. M., to 12 o'clock, M., for the registration of members.

(2.) To attend at the hall, for the registration of members, on all of the subsequent days of the session, from 9½ to 10 o'clock, A. M.

(3.) To keep, with daily revisions, the Roll of the Counsellors and Delegates in attendance, so as to be ready for the call of the ayes and noes, and for other purposes.

(4.) To prepare an alphabetical schedule of the Regular Reporters, and a similar alphabetical schedule of the Volunteer Reporters, for the use of the President in directing the business of the second day of the session.

(5.) To prepare for the Revision of the Rolls the following lists: (a) A list of delinquent County Medical Societies—that is to say, of societies without representatives, or without reports. (b) A list of Counsellors delinquent in attendance for three successive sessions. (c) A list of such Counsellors and Correspondents as may have died during the year. (d) A list of such Counsellors as may have removed from the State. (e) A list of the offices that become vacant at the session, and for which elections are to be held, giving the names of the incumbents whose terms expire, and the length of time constituting the term of every office that is to be filled.

6. To keep carefully a list of all the members who take part in the debates on the medical and sanitary papers, both regular and volunteer, and of all who take part in the Omnibus Discussion, with a view to getting reports of the speeches made, for publication in the minutes.

Immediately after the adjournment of the Annual Sessions his duties are :

(1.) To prepare the Minutes of the Proceedings for publication in the Transactions, which said publication should commence within thirty days after the adjournment of the session.

(2.) To notify, in the usual way, all who were elected Counsellors or Correspondents, and ascertain whether the positions are accepted.

(3.) To notify, in the usual way, all Counsellors who may have been dropped from the roll for any reason.

(4.) To notify, in the usual way, all members who have been appointed on committees, or who have been appointed to any special work.

(5.) To write to members who took part in the Omnibus Discussion, or in any other discussion which it is thought

desirable to have reported, for abstracts of the remarks made by them in the discussion.

THE DUTIES OF THE TREASURER.

The duties of the Treasurer are outlined in Section XI of the Constitution. His duties are important, but comparatively simple. The following suggestions, however, may be made here, namely :

(1.) He should keep his accounts in regular order, in a properly arranged book, with a separate page appropriated to every County Medical Society, to every Counsellor, to the President, to the Secretary, to the Treasurer, to the Board of Censors, and to the Committee of Publication.

(2.) He should communicate promptly, immediately after the adjournment of every annual session, with every County Society that is in arrears of dues, and with every Counsellor who is in arrears of dues, urging prompt remittances.

(3.) Just before every annual session, he should communicate with every Counsellor who, in violation of the rules, has continued delinquent in payment of dues, so as to give him a last chance to put himself right.

THE TREASURER'S BOND.

As a model of the sort of bond required of the Treasurer, under the constitution, a copy is here subjoined of the bond of the present Treasurer :

“STATE OF ALABAMA, }
 Montgomery County. } *Know all men by these presents:*
 That we, B. R. Jones, R. F. Michel, S. D. Seelye, and
 W. C. Jackson, are held and firmly bound unto the Medical
 Association of the State of Alabama, in the sum of Five Thous-
 and Dollars, for the payment of which well and truly to be
 made, we bind ourselves and each of us, our and each of our
 heirs, executors or administrators, jointly and severally.

Sealed with the seals and dated the 27th day of April, A.
 D. 1878.

“The condition of the above obligation is such that, whereas, the above Walter Clarke Jackson has been duly elected by the Medical Association of the State of Alabama to be Treasurer of said Association for the term of five years, commencing on the 11th day of April, 1878, and until his successor shall be duly elected or appointed and qualified, by reason whereof divers sums of money, goods, chattels, and other things, the property of said Association, will come into his hands :

“Now, therefore, the condition of the above obligation is such, that if the said Walter Clarke Jackson, his heirs, executors or administrators, at the expiration of his said office, upon request to him or them made, shall make or give unto the said Association a just and true account of all such sum or sums of money, goods, chattels, and other things, as have come into his hands, charge, or possession as Treasurer as aforesaid, and shall and do pay and deliver over to his successor in office, or any other person duly authorized to receive the same, all such balances or sums of money, goods and chattels, and other things which shall appear to be in his hands, and due by him to the said Association ; and if the said Walter Clarke Jackson shall well and truly, honestly and faithfully, in all things, serve the said Association, and perform the duties imposed upon him as Treasurer of said Association, by virtue of the Constitution and By-laws of said Association now in force, or which may hereafter be ordained or enacted by said Association during his continuance in office as said Treasurer, then the above obligation to be void ; otherwise, to remain in full force and effect.

“Sealed with our seals, and dated this, the 27th day of April, A. D. 1878.

W. C. JACKSON, M. D., (L. S.)

B. R. JONES, M. D., (L. S.)

S. D. SEELYE, M. D., (L. S.)

R. F. MICHEL, M. D., (L. S.)

Certificate of Registration.

“THE STATE OF ALABAMA, }
Montgomery County. } Office of Judge of Probate Court.

I hereby certify that the within Bond was filed in this office for record on the 16th day of May, 1879, at 1 o'clock, P. M., and duly recorded in Book 5, Official Bonds, page 41, and examined.

(Signed)

C. W. BUCKLEY, Judge
of Probate Court Montgomery County.”

CHAPTER II.

THE COUNTY MEDICAL SOCIETIES.

SUMMARY OF CONTENTS :

An Ordinance in Relation to the Duties and Responsibilities of the County Medical Societies—An Important Suggestion—The Plan of Constitution for the County Medical Societies—Remarks on this Plan—An Ordinance in Relation to the Public Health and the Collection of Vital Statistics—Form of Application for Charter.

The fundamental law for the County Medical Societies, is to be found in Section XIV of the Constitution. Additional rules and suggestions for the government of the County Medical Societies have been promulgated by the Association, (1) In the shape of an Ordinance in relation to the duties and responsibilities of the county societies; and (2) in the shape of a Plan of Constitution for the county societies, both of which here follows in proper order.

AN ORDINANCE IN RELATION TO THE DUTIES AND RESPONSIBILITIES OF THE COUNTY SOCIETIES.

SECTION 1.—*Reports.*

Be it ordained by the Medical Association of the State of Alabama, That every County Medical Society which holds a charter from this Association be, and is hereby required, to make to this Association, at its Annual Sessions, annual reports in relation to its current status and work, and each and every of the said annual reports shall contain the several items of information specified in the articles of this Ordin-

ance, numbered respectively 2, 3, 4, 5, 6, 7, 8, 9, and which here follow :

(2.) The names of the officers and members of the Society, together with the names of the colleges in which they were graduated, and with their post-office addresses; and when any members have been admitted on the Certificates of the County Board of Medical Examiners, the fact shall be so stated.

(3.) The names, colleges, and post-office addresses, of all the regular physicians practicing medicine in the county, who are not members of the county society.

(4.) The names, systems of practice, and post-office addresses of all the physicians in the county who are engaged in the practice of any other than the regular system of medicine.

(5.) The names, colleges, and post-office addresses of all Doctors of Medicine who, during the preceding calendar year, have passed successful examinations before the County Board of Medical Examiners.

(6.) The names, colleges, and post-office addresses of all the Doctors of Medicine who, during the preceding calendar year, have passed unsuccessful examinations before the County Board of Medical Examiners.

(7.) The names and post-office addresses of all the medical practitioners of the county who, during the preceding calendar year, have died, or have discontinued the practice of medicine, or have removed from the county.

(8.) The names and post-office addresses of all persons who have passed successfully before the County Board of Medical Examiners, during the preceding calendar year, the examination preliminary to the commencement of the study of medicine.

(9.) The names and post-office addresses of all persons who have passed unsuccessfully before the County Board of Medical Examiners, during the preceding calendar year, the examination preliminary to the commencement of the practice of medicine.

(10.) The phrase, "calendar year," wherever it is used in this ordinance, is to be construed to mean from the first day of January to the last day of December, including the two days mentioned.

SECTION TWO—PENALTIES.

Be it further ordained, (1) That every County Medical Society which holds a charter from this Association will be expected and required to fulfill its constitutional obligations to this Association; and that every County Medical Society which fails so to do shall forfeit its charter; shall be no longer recognized as a constituent member of this Association; and shall be no longer entitled to participation in the powers, privileges, prerogatives, and immunities of this Association.

(2.) That every County Medical Society which holds a charter from this Association will be expected and required to perform, faithfully and efficiently, the duties devolving upon it under the laws of the State of Alabama, and especially under the law to regulate the practice of medicine in the State of Alabama; and under the law establishing boards of health in the State of Alabama; and that every County Medical Society which fails so to do shall forfeit its charter; shall be no longer recognized as a constituent member of this Association; and shall be no longer entitled to participation in the powers, privileges, prerogatives, and immunities of this Association.

(3.) That the failure of any County Medical Society which holds a charter from this Association to send delegates to the annual sessions of this Association, in accordance with the requirements of the Constitution, or the failure of any such County Medical Society to make to this Association the annual reports required by the first section of this ordinance, shall be regarded as a grave dereliction of duty on the part of such County Medical Society; and if such failures occur frequently, they shall be specially investigated by the Board of Censors of this Association.

(4.) That whenever, for any of the causes specified in this ordinance, or whenever, for any other sufficient reason of whatever character, the Board of Censors of this Association shall become convinced that any County Medical Society which holds a charter from this Association has been guilty of flagrant violation, or of flagrant neglect of its duties under the Constitution of this Association, or under the laws of the State of Alabama, the said Board of Censors shall report the facts to this Association, together with such recommendations as to them may seem expedient and just; and the Association shall take such action in the premises as the circumstances may seem to warrant.

(5.) That in the trial of cases against the County Medical Societies, any Society that is charged with any dereliction of duty shall have the right to be heard in its own defense, through such agent or attorney as it may select for that purpose; and shall also be allowed reasonable time for the production of any necessary evidence; and, in the decision of such cases, the vote shall be taken by calling the ayes and noes. A vote of censure may be passed by a majority of the members voting; but forfeiture of charter shall require the concurrence of two-thirds of the members voting.

(6.) That whenever any County Medical Society has forfeited its charter, it ceases to be entitled to representation in this Association, and has no longer any authority to engage in the administration of the law to regulate the practice of medicine in the State of Alabama, or of the law establishing boards of health in the State of Alabama; and it becomes the duty of the Board of Censors to give information to this effect to the Probate Judge of the county in question.

Done in Annual Session in the city of Selma, on the 11th day of April, *Anno Domini*, one thousand eight hundred and seventy-nine.

AN IMPORTANT SUGGESTION.

Many of the County Medical Societies have been heretofore culpably negligent in the discharge of one of their most

important duties, namely, in the sending of Delegates to the Annual Sessions of the State Association. The Societies can not be properly represented in the Annual Sessions, except by specially commissioned Delegates.

Incidentally, the Delegates are making acquaintance with the methods and purposes of the Association, and are thus qualifying themselves for admission into the College of Counsellors, and for the reception of official honors.

In order to secure regular representation, some of the County Societies have adopted the plan of paying the necessary expenses of their Delegates; and in the instances in which this plan has been tried it has worked well. It is, therefore, to be hoped that it will be very generally adopted.

THE PLAN OF CONSTITUTION FOR THE COUNTY MEDICAL SOCIETIES.

SECTION I.—*Name and Seal.*

ARTICLE 1. The name and style of this Society shall be "THE MEDICAL SOCIETY OF [BLANK] COUNTY."

ART. 2. The seal of this Society shall be—[Here insert the device of the seal, with the motto.]

SECTION II.—*Objects.*

ART. 3. The objects of this Society shall be to organize the medical profession of the county in the most efficient manner possible. To promote professional brotherhood, and encourage a high standard of professional ethics. To secure careful and reliable accounts of the endemic and the epidemic diseases, and of the medical topography and climatology of the county. And to co-operate with the State Medical Association in its great work of regulating the qualifications of practitioners of medicine in the State, and in the supervision of the sanitary laws and interests of the State.

SECTION III.—*Code of Ethics.*

ART. 4. This Society adopts for the ethical guidance of its members, the Code of Ethics of the American Medical Association, together with such additional ethical rules as may be from time to time promulgated by said American Medical Association, and by the Medical Association of the State of Alabama.

SECTION IV.—*Members.*

ART. 5. All practicing physicians in good standing, who are graduates of reputable medical colleges, and no other persons, shall be eligible for membership in this Society. But this article is to be construed in accordance with the second subsection of section four of the Ordinance in relation to the Boards of Medical Examiners, which is in these words: (2.) That all such persons as practice the regular system of medicine under the authority of certificates issued by the County Boards of Medical Examiners, shall be eligible for membership in the County Medical Societies, at the discretion of the several Societies themselves, the County Boards of Medical Examiners being hereby constituted for this purpose "reputable medical colleges," in the sense in which that phrase is employed in section xiv of the Constitution of the Medical Association of the State.

ART. 6. Every application for membership shall be made in writing by the person desiring admission, and shall be endorsed by two members of the Society certifying to the reputable character, personal and professional, of the applicant.

ART. 7. The vote upon the admission of the applicant shall be taken by ballot. If there are three adverse votes, the applicant shall be rejected. Otherwise, he shall be declared elected to membership, and duly notified thereof by the Secretary.

ART. 8. Every member shall pay into the Treasury an annual contribution of [five] dollars, which shall be due and payable on the first of January of each year; and if it be not paid by the first meeting in [April] of each year, the defaulter

shall forfeit his membership, and his name shall be stricken from the Roll of Members; and of this he shall be duly notified by the Secretary.

ART. 9. Every member in good standing shall have, at any time, the privilege of resigning his membership; but if any member offering to resign stands charged with unprofessional conduct, or with unpaid dues, his resignation shall not be accepted.

ART. 10. Any member who in any way forfeits membership in this Society, shall be reinstated only by formal application and ballot, as provided for by articles 6 and 7 of this Constitution.

ART. 11. It shall be the duty of every member to attend the regular meetings of the Society; to discharge such duties as the Society may impose upon him, to the best of his ability; and to uphold in the community, as far as he is able, the honor and reputation of the Society, and of the medical profession in general.

SECTION V.—*Meetings.*

ART. 12. The Society shall hold its regular meetings four times a year, namely, on the first Tuesdays in the months of January, April, July, and October, respectively, but if it should be found impracticable or inexpedient to hold any of these meetings upon the days here designated for them, then such regular meetings so adjourned shall be held on some subsequent days, and as nearly after the regular times as can conveniently be done.

ART. 13. The regular meeting in January of each year shall be the annual meeting for the election and installation of officers, and for the reception, examination, and discussion of the Annual Reports of the Secretary, the Treasurer, and the Board of Censors.

ART. 14. The regular meeting in April of every year shall be the regular meeting for the revision of the Roll of Members. At this meeting, the Treasurer shall report the names of all members whose dues for the year have not been paid,

and all such shall be immediately stricken from the Roll ; and, furthermore, the Treasurer shall be personally responsible to the Society for the dues of all members not so reported.

ART. 15. The President shall call special meetings of the Society, on the written request of three members ; and, also, whenever, in his judgment, it may become expedient to do so.

SECTION VI.—*Officers.*

ART. 16. The officers of this Society shall be a President, a Vice-President, a Secretary, a Treasurer, and five Censors ; of whom the President shall be elected for one year, the Vice-President for one year, the Secretary for three years, the Treasurer for three years, and the Censors for five years. But every officer shall continue in office until his successor is duly elected and installed.

ART. 17. The election of Censors shall be so arranged that one vacancy will occur annually, by expiration of term of office ; and, to fill this vacancy, one Censor shall be elected at every annual meeting of the Society for the election of officers.

ART. 18. When vacancies occur amongst the officers of the Society, from any other cause than expiration of term, such as death, resignation, or impeachment, then elections, to fill the unexpired terms so occasioned, may be held at any of the regular meetings of the Society.

ART. 19. The election of officers shall be done in open meeting, by ballot, and without nomination ; and a majority of all the votes cast shall be necessary to election.

SECTION VII.—*The President.*

ART. 20. The President shall be the chief executive officer of the Society. He shall preside at the meetings, preserve order, give the casting vote when necessary, and perform such other duties as parliamentary usage imposes on presiding officers.

ART. 21. He shall, at the close of his administration, at the regular meeting for the election of officers, submit to the

Society an Annual Message, devoted to an account of his stewardship, and to the discussion of the interests, objects and business of the Society.

ART. 22. He shall, every year, upon his induction into office, appoint Regular Reporters on the diseases, surgery, topography and climatology of the county; and upon such other matters of professional interest as may, in his judgment, require investigation.

ART. 23. He shall appoint, as occasion requires, the requisite number of delegates to represent the Society in the State Medical Association, in the American Medical Association, and in such other scientific bodies as it may be expedient to have this Society represented in.

SECTION VIII.—*The Vice-President.*

ART. 24. The Vice-President shall, in case of the absence or death of the President, assume and discharge all the duties of the presidential office.

SECTION IX.—*The Secretary.*

ART. 25. The Secretary shall have charge of all of the books, papers, and records of the Society, except those belonging to the office of the Treasurer, and to the Board of Censors.

ART. 26. He shall record the minutes of the proceedings of the Society at all of its meetings.

ART. 27. He shall conduct the correspondence of the Society, under the direction of the President.

ART. 28. He shall have the custody of the seal of the Society, and shall affix it to the official documents of the Society, under the direction of the President.

ART. 29. He shall submit to the Society, at every annual meeting for the election of officers, an Annual Report of the Transactions and Business of the Society for the preceding year.

ART. 30. During his term of office, he shall be exempt from the payment of annual dues.

SECTION X.—*The Treasurer.*

ART. 31. The Treasurer shall have charge of the moneys, bonds, and securities of the Society.

ART. 32. He shall collect from the members all assessments and dues.

ART. 33. He shall, about the beginning of March of every year, serve upon every member whose annual dues are unpaid, a written notice, calling his attention to the requirements of article 8 of this Constitution, and to the penalty therein prescribed for delinquents.

ART. 34. He shall report to the Society, at the Annual Meeting for the Revision of the Roll, a written statement of the names of all members who are in arrears for the dues of the year, so that they may be stricken from the Roll, and he shall himself be held personally responsible for the dues of all delinquents whom he fails so to report.

ART. 35. He shall make an Annual Report to the Society, at the annual meeting for the election of officers, of its financial condition, stating in full all the moneys, bonds, and securities on hand; the several amounts paid out during the year, to whom and on what account; and the several amounts due to the Society, by whom and on what account.

ART. 36. He shall transfer none of the moneys, bonds, or securities of the Society except on a written order, signed by the President and the Secretary.

SECTION XI.—*The Board of Censors.*

ART. 37. The Board of Censors shall hold such meetings, regular and special, as the business which falls under their supervision may seem to require.

ART. 38. The Censors shall, from time to time, at their own discretion, elect one of their number to serve as Chairman of the Board, and another to serve as Secretary of the Board; and a majority of the whole number of Censors shall constitute a quorum.

ART. 39. The Board of Censors shall act as a General Committee of Reference in all questions relating to the organ-

ization and general welfare of the Society. In this capacity they shall act as a Court of Impeachment, and try all charges made against officers and members of the Society. In this capacity also, they shall examine annually the books and accounts of the Secretary and of the Treasurer, and report to the Society the state in which they find them.

ART. 40. The Board of Censors shall act as the Committee of Public Health in and for the county of Blank, and in that capacity shall exercise in behalf of this Society, and under its instructions and authority, the executive functions which devolve upon it under the Health Laws of the State of Alabama.

ART. 41. The Board of Censors shall act as the Authorized Board of Medical Examiners in and for the county of Blank, and in that capacity shall exercise the functions and discharge the duties imposed upon them by the Law to Regulate the Practice of Medicine in the State of Alabama, and by the Ordinances and Instructions in relation thereto of the State Medical Association.

ART. 42. In the exercise of the several functions mentioned in the preceding articles of this section, the Board of Censors are simply the agents and instruments of the Society; and all of their official proceedings, of whatever character, must be submitted to the Society, in special or general reports, for such action as the Society may see fit to take in the premises. The special reports are to be presented from time to time as occasion may seem to require; and an Annual Report containing a review of all the work of the Board for the preceding year, shall be presented to the Society at the annual meeting for the election of officers.

ART. 43. The acts of the Board of Censors in the capacity of a General Committee of Reference are of no final validity and authority until they receive the formal endorsement of the Society. The acts of the Board of Censors in the capacity of a Committee of Public Health depend also for their final validity and authority upon the endorsement, express or implied, of the Society, which is the real and responsible

Board of Health under the law. The acts of the Board of Censors in the capacity of an Authorized Board of Medical Examiners, is subject to revision only by the Board of Censors of the State Association; nevertheless, the Society is not without remedy in case the Board of Censors should prove in any way shamefully derelict in the performance of their duties, it being the prerogative of the Society to remove at any time any of the officers whom it has created.

SECTION XII.—*Offenses and Punishments.*

ART. 44. Every officer who shall be guilty of any malfeasance in office, on conviction thereof may be reprimanded, suspended, or removed, at the pleasure of the Society.

ART. 45. In like manner any member who shall be guilty of unprofessional conduct by flagrant violation of the Code of Ethics, or of any gross immorality, or conduct unbecoming a gentleman, upon conviction thereof, may be reprimanded, suspended or expelled, at the pleasure of the Society.

ART. 46. But no penalty shall be inflicted upon any officer or member of the Society until after fair notice and fair trial, to secure which the following rules shall be observed, namely:

ART. 47. All charges of malfeasance in office, or of unprofessional conduct, against any officer or member of the Society, shall be made to the President in writing, and shall be sustained by the signatures of not less than two members of the Society.

ART. 48. Every charge thus formally made shall at some regular meeting of the Society, be read, spread upon the minutes, and referred to the Board of Censors for examination.

ART. 49. The Board of Censors shall investigate the charges referred to them as speedily as may be, consistently with the attainment of correct knowledge in the premises, and shall make thereupon such report and recommendation to the Society as to them may seem expedient and just.

ART. 50. The case being brought back to the consideration of the Society, by the Report of the Board of Censors,

shall be subjected to such discussion as the Society may determine.

ART. 51. Every officer or member against whom charges are alleged, shall have the right to be heard in his own defense, either in person or by counsel, both before the Board of Censors and before the Society itself; he shall also be furnished with a copy of the charges against him, and allowed reasonable time to obtain any necessary testimony.

ART. 52. Every case shall be decided by vote of the Society, the vote to be taken by calling the ayes and nays. A vote of censure or suspension may be passed by a majority of the members present; but a vote of removal from office, or of expulsion from the Society, shall require the concurrence of two-thirds of the members present.

ART. 53. If any officer or member who has been upon trial by this Society, should believe, that in the decision rendered, he has failed to receive full and ample justice, he shall have the privilege of appeal to the State Medical Association.

SECTION XIII.—*Amendments.*

ART. 54. All propositions for the amendment of any of the provisions of this Constitution must be made in writing, at some regular meeting of the Society; must then lie over at least until the next regular meeting; and when voted upon shall require for its enactment a majority of two-thirds of the quorum of members voting, the vote being taken by the ayes and nays.

BY-LAWS.

The Order of Business.

(A.)—At the regular meeting for the election and installation of officers:

1. Calling the Society to order.
2. Calling the Roll.
3. Reading the Minutes of the previous meeting.
4. Applications for membership.
5. Annual Report of the Secretary.

6. Annual Report of the Treasurer.
7. Annual Report of the Board of Censors.
8. Annual Message of retiring President.
9. Election of officers.
10. Installation of officers.
11. Miscellaneous business.
12. Adjournment.

(B.)—At the regular meeting for the Revision of the Roll :

1. Calling the Society to order.
2. Calling the Roll.
3. Reading the Minutes of the previous meeting.
4. Applications for membership.
5. Treasurer's Report of members in arrears.
6. Revision of the Roll by the Secretary.
7. Reading of Essays and Reports.
8. Relation and discussion of cases.
9. Miscellaneous business.
10. Adjournment.

(C.)—At the other regular meetings :

1. Calling the Society to order.
2. Calling the Roll.
3. Reading the Minutes of the previous meeting.
4. Applications for membership.
5. Reading of Essays and Reports.
6. Relation and discussion of cases.
7. Miscellaneous business.
8. Adjournment.

The orders of business here specified may be suspended at any time by the vote of a majority of the members present.

REMARKS ON THE FOREGOING PLAN OF CONSTITUTION FOR COUNTY SOCIETIES

We have endeavored, in the foregoing plan of Constitution for County Societies, to suggest a Code of Regulations sufficient for the guidance of a

County Society in the discharge of its duties under the laws of the State, and under the ordinances of the State Medical Association; and at the same time simple enough and plain enough to be readily understood, and easily reduced to practice. It has been specially designed for use in counties where the members of the profession are so scattered as not to warrant any attempt to hold frequent meetings, and, therefore, provides for only four regular meetings every year, together with such special meetings as it may be found expedient to call for special purposes. It is certainly practicable in every county where the organization of a County Medical Society is at all warranted, for the physicians of the county to assemble for consultation once in every three months; and physicians ought certainly to find these assemblages so pleasant and profitable as to be willing to undergo the slight trouble and expense involved in attending them. Nevertheless, it is important to add here, that for most purposes connected with the legal functions of the County Societies, one annual meeting might be made sufficient, provided that the Societies are properly officered; and, especially, provided that the Boards of Censors are so selected as to guarantee their efficiency and trustworthiness.

We would suggest that many Societies might find it convenient to hold their meetings at the county sites, and concurrently with the sessions of the circuit courts. We would also suggest that in counties where there are several towns of sufficient size, it may sometimes be well to hold the meetings sometimes in one and sometimes in another of these.

All the varying requirements of the varying circumstances of the different counties of the State, can be met by making such changes as in every case may seem advisable, in the provisions of that section of the suggested plan, that relates to the meetings of the Societies. The other sections of the plan will be found, it is believed, to stand in need of only slight modification, if any at all. The annual dues of members will, of course, be regulated by the financial necessities of the several societies. In some cases, doubtless, one or two dollars a year from every member will produce a sufficient revenue, while in some other cases it will require as much as ten dollars a year from every member for the defrayment of the annual expenses. All of these details are left to the several societies to settle for themselves in such way as to them may severally seem expedient. In the meantime, it is important that all of the County Societies should be organized upon one common plan, in order that all may co-operate harmoniously in the great work of professional advancement and regeneration with which the Association has charged itself.

AN ORDINANCE IN RELATION TO THE PUBLIC HEALTH AND THE COLLECTION OF VITAL STATISTICS.

Be it ordained by the Blank County Medical Society, (1) That the Board of Censors of this Society, acting as a Committee of Public Health, shall proceed to the election of a Health

Officer for the county, whose term of office shall be for—— years.

(2.) That it shall be the duty of said Health Officer to prepare, with the assistance and under the direction of the Committee of Public Health, an Annual Report on the Endemic and Epidemic Diseases and the Vital and Mortuary Statistics of Blank County, which annual report shall be submitted to the Society in connection with the Annual Report of the Board of Censors ; and a copy of which shall be communicated to the State Board of Health.

(3.) That the said Health Officer shall keep a Register of Births, a Register of Deaths, and a Register of Infectious Diseases, in which shall be severally entered, in proper order, all the births and deaths and cases of infectious diseases occurring in the county that may be formally reported to him, or that may in any way come to his knowledge, in accordance with rules to be from time to time prescribed by the State Board of Health.

(4.) That the said Health Officer shall discharge such further duties as may be required of him from time to time by the Committee of Public Health, or in pursuance of any agreement that may be made for the supervision of the public health with the Board of Commissioners of the county, or with the municipal authorities of any town or city within the county.

(5.) That in order that the Health Officer may have the necessary data for the annual report herein required of him, and for the several registers he is herein required to keep, it shall be the duty of every member of this Society to keep records of all the births and deaths and of all the cases of infectious diseases that may occur in his practice, and also of all the births and deaths and cases of infectious diseases that may occur in his neighborhood and come to his knowledge in which there has been no medical attendant ; and it shall be the further duty of every member of this Society to communicate all the births and deaths and all the cases of infectious diseases so by him recorded, to the Health Officer of the

county, in monthly reports, in accordance with rules to be from time to time prescribed by the State Board of Health.

(6.) That the Health Officer shall also from time to time communicate with all persons practicing medicine and midwifery in the county, and who are not members of the County Medical Society, and request them to furnish him with reports of all the births and deaths and of all the cases of infectious diseases occurring in their practice of the same character as are herein required from members of the Society.

Done in the town (or city) of Blank, this *blank* day of *blank* month, Anno Domini, 18—.

It is necessary that every County Medical Society should adopt the foregoing ordinance, in order to be in readiness to discharge its duties under the health laws of the State.

FORM OF APPLICATION FOR CHARTER.

To the President of the Medical Association of the State of Alabama:—We have the honor to state that a Medical Society has been organized in Blank County with the purpose of co-operating with the Medical Association of the State, in its professional and sanitary work, and to this end we herewith respectfully make application to be granted the necessary Charter as prescribed in the Constitution of the State Association, and the Laws of the State.

We have read the Book of the Rules of the State Association, and are prepared in good faith to undertake the discharge of the duties and obligations which are therein prescribed for the County Medical Societies, and especially those in relation to Medical Examining Boards and Boards of Health.

We also submit with this a copy of our Constitution, and a copy of our Roll of Members; and have the honor to remain, etc.

CHAPTER III.

THE REGULATION OF THE PRACTICE OF MEDICINE.

SUMMARY OF CONTENTS :

Historical Sketch—An Act to Regulate the Practice of Medicine in the State of Alabama—An Ordinance in Relation to the Boards of Medical Examiners—Some Additional Suggestions for the Medical Examining Boards—Commentaries and Explanations—The Duties of the Medical Societies—The Duties of the Examining Boards—The Enforcement of the Penalties—A Special Recommendation.

HISTORICAL SKETCH.

The plan of the movement which we have undertaken for the reformation of the medical profession in Alabama, and for the establishment of a higher standard of professional qualification, to be tested by Examining Boards of our own appointment, and under our own supervision and direction, as a preliminary to the practice of medicine, was first foreshadowed in a series of resolutions presented to the Association at the annual session of 1870, which was held in the city of Montgomery.

The resolutions in question were referred to a very able special committee which reported the resolutions back to the Association with an expression of opinion to the effect that while the reforms proposed were very desirable in themselves, they were at the same time utterly impracticable, in view of our surroundings, and that any effort to push them into execution must necessarily result in failure.

The friends of the movement were not willing to accept this discouraging opinion as the final conclusion of the whole matter; and, accordingly, the plan to which they had committed themselves was again presented to the Association at the annual session of 1871, in Mobile, this time in the shape of a formal draft of a new constitution, which was elaborately discussed, and which was finally disposed of, so far as this session was concerned, by the order to print it in the Transactions, and by the postponement of its further consideration to the next annual session.

The next annual session was held in the city of Huntsville, in 1872, and here again the draft of the new constitution was the principal topic of debate. The friends of the new movement were quite satisfied that if the vote had been taken here, it would have been endorsed by a handsome majority; but they

appreciated the importance of securing the hearty co-operation of the medical profession of the State, in order to carry the new plans into successful operation, and, on their motion, the further consideration of it was again postponed to the next annual session of the Association, which was held in the city of Tuscaloosa in 1873.

Here the several sections of the new constitution were separately discussed and separately voted upon ; and, after a few important amendments, the whole instrument was finally adopted as the fundamental law of the Association by a majority of more than two-thirds of the members present.

The Association having thus committed itself to the new plan, the next step was to endeavor to secure such legislative action as would enable its provisions to be enforced under the sanction and authority of the State.

To this end, the draft of an act to regulate the practice of medicine in the State of Alabama was submitted for the consideration of the Association at the annual session of 1874 in the city of Selma. The proposed act was approved by the unanimous vote of the Association, and the Board of Censors was charged with the duty of presenting it to the legislature of the State. This was done at the legislative session of 1876-7. An active opposition to the measure was organized in the House of Representatives ; but, after some modifications and an active canvass, the bill passed both houses of the legislature, and received the approval of the Governor on the 12th of February, 1877.

The several provisions of the law are now so well known that it is hardly necessary to allude to them here, except in a very brief way. Its leading features are as follows :

(1.) That the Board of Censors of the Medical Association of the State, and the Boards of Censors of county medical societies holding charters from the State Association, are constituted authorized boards of medical examiners.

(2.) That the standard of qualifications and the rules for the government of the authorized boards of medical examiners are such as may be from time to time prescribed by the Medical Association of the State.

(3.) That all persons legally engaged in the practice of medicine in the State of Alabama at the time of the passage of the law, are continued in the enjoyment of that right under certain regulations.

(4.) That no one shall be allowed, under fines and penalties, to commence the practice of medicine in any county of Alabama where there is an authorized Board of Medical Examiners, until he has passed a satisfactory examination, and registered his certificate thereof in the Probate Court of the county.

It will be seen at a glance that by this law, and for the first time in the history of American legislation, the medical profession itself, as organized in the State Medical Association, is invested with the power to fix the terms of admission into its own ranks, and to prescribe the character and amount of the qualifications which shall entitle any one to practice medicine in the State. It will also be seen at a glance that under the operations of this law, if it is faithfully and wisely administered, the regeneration and purification of the medical profession in this State is only a question of time. And surely, under the circumstances, we can very well afford to wait. The degradation of the

profession has been going on in Alabama for half a century, and the profession has stood by and been witness of this degradation almost without protest. Remembering this, it would be very unreasonable for us to grow impatient, because it will require a whole generation to complete the work of professional regeneration,

It will be seen that the act, as proposed by the Association, was subjected to several changes (which, we think, were not correctly named when they were called amendments), before it was passed into a law by the General Assembly. The most radical of these changes is that provision which requires the examination of irregular physicians in chemistry, anatomy, physiology, and the mechanism of labor. We regret very much the introduction of this feature into the law, and this for several reasons. (1) Because it gives the express countenance of lawful recognition to irregular medicine, and thus elevates it into a position of quasi respectability, which we do not think it deserves to occupy. (2) Because it imposes on the Boards of Medical Examiners a very delicate and unpleasant duty, which they will find it difficult to discharge, without considerable embarrassment. (3) Because it will, perhaps, give a somewhat longer lease of life to systems of practice that are already falling into decay, and that should have been allowed to die as quietly as possible, without being temporarily galvanized into an appearance of vitality by legislative action.

We think it is true that all of these irregular systems of medicine, with the tentative exception of homeopathy, are gradually disappearing from amongst us. The so-called *botanics* are now hardly to be found, except as occasional fossils, that belong properly to the buried strata of a past generation. Botanicism, as a system of practice, has been virtually merged into eclecticism; and the so-called *electics*, so far as medical doctrines and principles of practice are concerned, have approximated so nearly to the position occupied by the regular profession, that it is impossible for them to maintain themselves much longer as an independent school. Indeed, a large number of them are ready now to join the ranks of the regular medical army, if they could do so without too large an expenditure of time and money. The homeopaths, although doomed, beyond all possibility of doubt, to ultimate destruction, still manifest some signs of life, and even seem to be making some progress. But even amongst them the elements that minister to decay are plainly at work. The doctrine of infinitesimal doses is no longer regarded by them as the *sine qua non* of homeopathic orthodoxy, and the doctrine of *similia similibus curantur* admits of such explanation as enables it to be introduced into the common code of rational medicine. Besides, they are not numerous in Alabama, and would, therefore, have given us but little trouble, if they had been let severely alone, in accordance with the traditional policy of the profession in regard to them.

We are afraid that the influences which led to the adoption of the provision under consideration grew, at least in part, out of the belief entertained by some members of the profession, that the main object of the legislation which had been invoked was to get rid of irregular doctors, and that this object could

be more readily accomplished by requiring them to submit to examinations, which, as a rule, they would not be able to pass with credit, than by the indirect operation of the measures included in the original bill. However this may have been, all those who are familiar with the general policy of this Association, know that the real and controlling purpose of the proposed law was not to get rid of these irregular gentlemen, who are, indeed, but as the dust in the balance, about which we have given ourselves very little anxiety. From the beginning, our principle object has been to elevate, to purify, to regenerate, the regular profession itself. Let us make ourselves what we ought to be, and everything else will then be well.

This work of reformation and regeneration we have desired to accomplish, not alone in the interest of the medical profession of the State, but also in the interest of the people of the State. And it was upon the ground that we are in fact, as we of right ought to be, the natural, legitimate, and lawful custodians and guardians of the public health, and of the sanitary welfare of the people, that we felt ourselves warranted in asking, at the hands of the State, such legislation as would give some reasonable promise of protection to the people against ignorant and incompetent practitioners of medicine. For ourselves alone we could not have made this appeal to the State, because we have established it as an inflexible principle, in the public policy of the Association, that we will never, under any circumstances, demand legislative action for our own express and exclusive advantage. But that which we could not demand for ourselves, we felt it to be our privilege and our duty to demand for the people of Alabama.

None but medical men are fully competent to appreciate the character and the amount of the mischief that is done by medical charlatans and ignoramuses—mischief which spreads itself out in many directions, and involves the loss of time, of health, of money, of valuable lives, and of all the most precious of the earthly possessions of individuals, and of communities. But everybody can understand that there can be no question, whether as a principle of good morals, or as a principle of wise political economy, that licenses to practice medicine and to collect fees ought to carry with them some reasonable presumption of medical knowledge and skill; and everybody can understand, also, that such reasonable presumption of medical knowledge and skill can be secured only by such legislation as that which we have here under consideration.

In engrossing this act for the Governor's signature, the clerk accidentally omitted the word dollars from the sixth section. Legal advice has been taken with regard to the effect of this omission on the enforcement of the law, and the opinion of the lawyers consulted is to the effect that whatever defect might otherwise result from this omission, is fully obviated by section 4447 of the Revised Statutes of the State, which reads as follows:

“Misdemeanors not specially provided for.—Any person who commits a public offense, which is a misdemeanor at common law, or by statute, and the punishment of which is not particularly specified in this Code, must, on conviction, be fined not more than five hundred dollars, and may also be imprisoned

On page 63, before the "Ordinance in relation to the Boards of Medical Examiners," there should have been inserted two other documents, namely: (1.) The Memorial of the Medical Association of the State to the General Assembly, praying the passage of an act to regulate the practice of medicine; and, (2.) The Act to regulate the practice of medicine in the State of Alabama.

These having been accidentally omitted by the printer, it has been found necessary to give them in an Appendix, which commences on page 134.

in the county jail or sentenced to hard labor for the county for not more than six months."

And this opinion has been confirmed by the ruling of Judge Minnis, of the City Court of Montgomery, in the case of the State against Clark, a brief account of which is here added :

Dr. Wm. Clark and Dr. Wasson came to Montgomery some time in February of this year (1880), and advertised themselves as competent to cure almost all the ills that flesh is heir to. They were summoned before the Board of Examiners. Dr. Wasson promptly retired from the field. Dr. Clark announced his intention to come before the board for examination, but failed to do so. He was consequently indicted by the grand jury for practicing medicine in violation of the law, and had his trial before the City Court of Montgomery, on the 23d of March. The State was represented by Mr. Lomax and Judge Clopton, the defence by Capt. Bragg and Mr. Townsend. Two demurrers were made by the defense, involving the sufficiency of the law, and one involving the sufficiency of the indictment. It is not necessary here to go into the details of the argument. The important point is, that the rulings of Judge Minnis fully sustained the sufficiency of the law. Our own counsel admitted the defect in the indictment, and the defendant was held to bail in the sum of one hundred dollars to answer any subsequent indictment that might be found against him.

ORDINANCE IN RELATION TO THE BOARDS OF MEDICAL EXAMINERS.

SECTION I.—*The Preface.*

Be it ordained by the Medical Association of the State of Alabama, (1) That the said Medical Association of the State of Alabama hereby formally assumes for itself and for the several County Medical Societies in affiliation with it, the powers and duties embodied in the Act of the General Assembly of the State of Alabama, which is entitled "An Act to Regulate the Practice of Medicine in the State of Alabama," and which was approved by the Governor on the 9th day of February, A. D. 1877. And, (2) That the several Boards of Medical Examiners created by the said "Act to Regulate the Practice of Medicine in the State of Alabama," shall govern themselves, in the exercise of their several powers and in the discharge of their several duties, in accordance with the Precepts and with the Schedules here subjoined and marked respectively Section Two, Section Three, Section Four, Section

Five, Section Six, Section Seven, and Section Eight, of this Ordinance.

SECTION II.—*The Precept of the State Board of Medical Examiners.*

Be it further ordained, (1.) That the Board of Censors of the Medical Association of the State of Alabama constitutes the State Board of Medical Examiners. (2.) That the State Board of Medical Examiners shall hold annual sessions concurrently with the annual sessions of the Medical Association of the State; and shall also hold such special sessions, and at such times and places as to the Board itself shall seem expedient. (3.) That these annual sessions of the State Board of Medical Examiners shall be protracted to sufficient length to enable the Board to give adequate and proper attention to all the business that may be brought before it, and so that no arrears of neglected work may remain over from year to year. (4.) That this Board shall examine all applicants who present themselves for examination in proper form, whether such applicants hold diplomas from medical colleges or not. (5.) That this Board shall, through its chairman, whenever in any county of the State the County Board of Medical Examiners has been duly organized, notify the fact in proper form to the probate judge of the county. (6.) That this Board shall take rank as a "reputable medical college," in the sense in which that phrase is employed in section 14 of the Constitution of the Medical Association of the State, and its diplomas shall admit the holders of them to full professional fellowship and recognition throughout the State. (7.) That this Board shall not issue certificates or diplomas *pro forma* and without examination as to medical qualifications, all work of this character belonging exclusively to the County Boards of Medical Examiners. (8.) That this Board shall keep a record of all its examinations, and minutes of all its proceedings, and shall report every thing done by it to the Association for rectification and approval. And, (9.) That at every annual session of this Board, before any other business is done, its chairman

shall read aloud, for the information of its members, the whole of this "Ordinance in Relation to the Boards of Medical Examiners."

SECTION III.—*The Precept of the County Boards of Medical Examiners.*

Be it further ordained, (1.) That the Boards of Censors of the several County Medical Societies, which are in affiliation with the Medical Association of the State, constitute the County Boards of Medical Examiners of the several counties. (2.) That every such County Board shall hold such sessions, at the call of its chairman, as may be necessary to meet the reasonable demands of applicants for license and of applicants for examination, and so as always to avoid unnecessary and vexatious delays. (3.) That every such County Board, as soon as it is duly organized, shall furnish the Board of Censors of the Medical Association of the State with a list of its officers and members, so that the notice required by law may be served upon the probate judge of the county. (4.) That every such County Board shall keep a book, to be called "The Register of Licensed Practitioners of Medicine," in which it shall inscribe all the certificates issued by it, whether with or without examination as to medical qualifications. (5.) That every such County Board of Medical Examiners shall, without examination as to medical qualifications, issue certificates to all such persons resident in the county as may be lawfully entitled to practice medicine at the time of the organization of the Board, and such certificates, when properly registered by the probate judge, shall authorize the holders of them to continue the practice of medicine in the county under the law. (6.) That every such County Board of Medical Examiners shall, also, without examination as to medical qualifications, formally endorse and register the certificates brought from other County Boards of Medical Examiners by physicians moving into the county, and such certificates, when properly registered by the probate judge, shall authorize the

holders of them to practice medicine in the county under the law. (7.) That every such County Board of Medical Examiners shall, from time to time as occasion may require, proceed to examine all such persons as propose to engage in the practice of medicine in the county, and who come not under the provisions of the two preceding clauses of this section, and shall issue to all such as pass favorable examinations, certificates, which, when properly registered by the probate judge, shall authorize the holders of them to practice medicine in the county under the law; *Provided, however,* That no such person who proposes to practice the regular system of medicine shall be eligible for examination unless he holds the diploma of a reputable medical college which is recognized as such by the Medical Association of the State; the examination of all such persons as seek admission into the regular profession without diplomas belonging exclusively to the State Board of Medical Examiners. (8.) That at every session of any such County Board of Medical Examiners, before the work of examination is commenced, the chairman of it shall read aloud, for the information of its members, the whole of this "Ordinance in Relation to the Boards of Medical Examiners." (9.) That every such County Board of Medical Examiners shall make an annual report of all of its proceedings, together with a list of all the certificates issued by it, to the Medical Society of the County. And (10.) That the written examinations, in the handwriting of the persons examined, in all the cases coming before the county boards of medical examiners, shall be included in the Annual Reports which said boards are now required to make to the State Board of Medical Examiners; and this to the end that the Association may have the means of judging as to the manner in which said boards are accustomed to discharge the duties devolving upon them under the law.

SECTION IV.—*Miscellaneous Provisions.*

Be it further ordained, (1.) That all such persons as hold the certificates or diplomas issued by the authorized Boards of

Medical Examiners, are required to register them only in the counties of their residence, and it is only when the residence is changed that new registration becomes necessary. (2.) That all such persons as practice the regular system of medicine under the authority of certificates issued by the County Boards of Medical Examiners, shall be eligible for membership in the County Medical Societies, at the discretion of the several societies themselves, the County Boards of Medical Examiners being hereby constituted for this purpose "reputable medical colleges" in the sense in which that phrase is employed in section XIV of the Constitution of the Medical Association of the State. (3.) That if at any time any applicant for examination shall believe himself to have been unfairly or unjustly treated by any County Board of Medical Examiners, he shall have the right to appeal from such County Board of Medical Examiners to the State Board of Medical Examiners, which shall make a careful investigation of the case and render a final decision. And (4.) That no person who has been examined in accordance with any of the Schedules of this Ordinance, shall be again eligible for examination until after an interval of one whole year.

SECTION FIVE.—*The Schedule for the Examination of all such Persons as Propose to Practice the Regular System of Medicine.*

Be it further ordained, (1) That all applicants for examination, who propose to practice the regular system of medicine, shall be examined in all the departments of medical science, namely: In human anatomy, in human physiology, in the elements of chemistry, inorganic and organic, in materia medica, in therapeutics, in pathology, in theoretical and practical medicine, in theoretical and practical surgery, in the principles and practice of obstetrics, in public and private hygiene, in medical jurisprudence, and in medical ethics; (2) That these examinations shall be made in good faith towards the State, towards the medical profession, and towards the applicant himself; (3) That they shall be partly written and

partly oral, and shall be of such character and extent as to test fairly and impartially the real knowledge and ability of the applicant; (4) That no diploma or certificate shall be granted in any case unless the examination is entirely satisfactory to the examining board, and that if the board is in doubt whether the diploma or certificate should be granted or not, it must be withheld—it being manifestly better that the applicant should devote some further time to study than that an unworthy and incompetent man should be passed.

SECTION SIX.—*The Schedule for the Examination of all such Persons as Propose to Practice some other than the Regular System of Medicine.*

Be it further ordained, (1) That all applicants for examination, who propose to practice some other than the regular system of medicine, shall be examined in chemistry, in anatomy, in physiology, and in the mechanism of labor; (2) That these examinations shall be made in good faith towards the State, towards the medical profession, and towards the applicant himself; (3) That they shall be partly written and partly oral, and shall be of such character and extent as to test fairly and impartially the real knowledge and ability of the applicant; (4) That no diploma or certificate shall be granted in any case unless the examination is entirely satisfactory to the examining board, and that if the board is in doubt whether the diploma or certificate should be granted or not, it must be withheld—it being manifestly better that the applicant should devote some further time to study than that an unworthy or incompetent man should be passed; and (5) That it must always be kept in mind by the examining boards that in this class of cases they have a very delicate and ungracious duty to perform, and they must, therefore, exercise the utmost caution not to allow themselves to be influenced by any prejudice to the disadvantage of applicants.

SECTION SEVEN.—*The Schedule for the Examination of all such Persons as Propose to Begin the Study of Medicine.*

Be it further ordained, (1) That all such persons as apply for examinations as a preliminary prerequisite to the commencement of the study of medicine, shall be examined in the following departments of knowledge, namely: In the grammar of the English language, in the general literature of the English language, in the general outlines of the history of the world, in the outlines of the history of the United States, in the elements of arithmetic, in the elements of algebra and geometry, in the elements of inorganic chemistry, and in the elements of physics or natural philosophy; (2) That these examinations shall be made in good faith, both towards the medical profession and towards the applicants themselves; (3) That they shall be partly written and partly oral, and shall be of such character and extent as to test fairly and impartially the real knowledge and ability of the applicants; (4) That they may be conducted upon the basis of any of the ordinary text-books on the several subjects mentioned, such as are commonly used in our high schools and academies; (5) That in making these examinations the Boards of Medical Examiners may, if they deem it expedient to do so, avail themselves of the assistance of professional teachers of good standing, and this because such professional teachers are more familiar with examinations of this character, and because their co-operation would furnish additional guarantees that the applicants were fairly dealt with; and (6) That favorable certificates shall not be granted in any case unless the examination is entirely satisfactory to the examining board; and if the board is in any doubt whether the certificate should be granted or not, it must be withheld—it being manifestly better that any applicant should devote some further time to the study of the elementary branches of a common school education than that he should rashly and presumptuously undertake, without reasonable preparation, the acquisition of a complexus of sciences of such difficulty

and importance as those that compose the curriculum of medicine.

SECTION EIGHT.—*Diplomas and Certificates.*

Be it further ordained, That the diplomas of the State Board of Medical Examiners, and the certificates of the County Boards of Medical Examiners, shall be issued respectively in accordance with the forms following, namely :

FORM NO. 1.

The Diploma of the State Board of Medical Examiners.

The Board of Censors of the Medical Association of the State of Alabama, to all to whom these letters may come, send greeting :

Be it known, that by the authority of the State of Alabama, we have examined [John Hunter], a citizen of the State of Alabama, and of the County of [Mobile], in all the departments of medical knowledge.

We have found him in every way worthy of the title of Doctor of Medicine, and commend him to the fellowship of the medical profession, and to the confidence of all who stand in need of medical advice.

In testimony whereof, we have issued this Diploma, which is signed by the Board of Censors and sealed with the seal of the Association.

Done in the city of [Birmingham] on the [12th day of April], Anno Domini, one thousand eight hundred and [seventy-seven].

FORM NO. 2.

The Certificate of the County Boards of Medical Examiners, when no Examination is made.

Know all men by these presents: That the Board of Censors of the Medical Society of the county of [Mobile], acting as a Board of Medical Examiners under the law of the State of Alabama, and under the instructions of the Medical Association thereof, hereby certify that [John Jones], a citizen of [Mobile] county, is authorized to practice medicine in all its branches in the State of Alabama, under the law,

This certificate is issued without examination as to medical qualifications, [John Jones] having been legally authorized to practice medicine in the State of Alabama at the time of the formation of this Board of Examiners.

Done in the [city of Mobile, January 10th,] *Anno Domini*, one thousand eight hundred and [seventy-seven].

(To be signed by the Board of Examiners.)

FORM NO. 3.

The Certificate of the County Boards of Medical Examiners, when Examination has been made for the Practice of any other than the Regular System of Medicine.

Know all men by these presents: That the Board of Censors of the Medical Society of the county of [Mobile], acting as a Board of Medical Examiners under the law of the State of Alabama, and under the instructions of the Medical Association thereof, hereby certify that [John Jones], a citizen of [Mobile] county, is authorized to practice medicine in all its branches in the State of Alabama, under the law.

This certificate is issued after the thorough examination of [John Jones] in Anatomy, Physiology, Chemistry, and the Mechanism of Labor; in all of which sciences he is found to be well qualified.

Done in the [city of Mobile, January 10th,] *Anno Domini*, one thousand eight hundred and [seventy-seven].

(To be signed by the Examining Board.)

FORM NO. 4.

The Certificate of the County Boards of Medical Examiners, when examination is made for the Practice of the Regular System of Medicine.

Know all men by these presents: That the Board of Censors of the Medical Society of the County of [Mobile], acting as a Board of Medical Examiners under the law of the State of Alabama, and under the instructions of the Medical Association thereof, hereby certify that [John Jones], a citizen of [Mobile] county, and a graduate of Medicine of the [Medical

College of Alabama], is authorized to practice medicine in all its branches in the State of Alabama, under the law.

This certificate is issued after the thorough examination of [John Jones] in all the departments of medical knowledge; in all of which he is found to be well qualified.

Done in the [city of Mobile, January 10th,] *Anno Domini*, one thousand eight hundred and [seventy-seven].

(To be signed by the Examining Board.)

FORM NO. 5.

The Certificate of the County Boards of Medical Examiners in the cases of persons who propose to begin the study of medicine.

This is to certify that we have carefully examined [Thomas Brown], in accordance with the instructions of the Medical Association of the State of Alabama, in the grammar of the English language; in the general literature of the English language; in the general outlines of the history of the world; in the outlines of the history of the United States; in the elements of arithmetic; in the elements of algebra and geometry; in the elements of inorganic chemistry; and in the elements of physics, or natural philosophy, and that we find that his proficiency in all of these several branches of knowledge is such as to warrant him to begin the study of medicine.

[Mobile, January 10th, 187—].

(To be signed by the Examining Board.)

FORM OF APPLICATION FOR EXAMINATION.

To the Board of Medical Examiners of Blank County: Desiring to practice the blank system of medicine in the county of Blank, I have the honor herewith to make application to your board for the examination required by the law of the State; and as preliminary thereto, I herewith declare that I have not been examined by any Board of Medical Examiners in the State of Alabama within the last twelve months; and also respectfully submit the following statement of facts:

(1.) Name in full.

- (2.) Place and date of birth.
- (3.) Place of present residence.
- (4.) College and date of graduation.
- (5.) Place and length of time of previous practice.
- (6.) References.

(Date.)

(Signature.)

This Ordinance for the government of the authorized boards of medical examiners was passed at the Annual Session of the Association which was held in Birmingham in 1877. It is printed here with the amendments made in Eufaula in 1878, and in Huntsville in 1880, all inserted in their proper places.

SOME ADDITIONAL SUGGESTIONS FOR THE MEDICAL EXAMINING BOARDS.

The Standard of Qualifications and the Rules for the government of the Medical Examining Boards are given in the foregoing Ordinance. But there are many details connected with the methods of examination that are likely to occasion more or less embarrassment to boards not accustomed to this sort of work. For the guidance of such boards the following suggestions have been prepared :

(1.) That the questions for the written examination should be carefully prepared before hand by the several examiners.

(2.) That not less than three days be allowed for the written examinations, a shorter time being insufficient to afford a reliable test of the degree of knowledge possessed by the applicant.

(3.) That on each day of the examination only so many of the written questions shall be handed to the applicant as he is expected to answer in writing on that day.

(4.) That if the applicant should fail to answer any questions on the same day that he receives them, such questions shall be withdrawn, and others substituted in their place, so that no opportunity shall be afforded for the consultation of books or authorities.

(5.) That while he is engaged in writing answers to the written questions the applicant should be locked up in a room where he can have no access to books, care being also taken to be sure that he has no *vade mecum* or compend about his person ; or else the writing should be done in the presence of some responsible agent of the board. This rule is of cardinal importance, for while an honorable man would of course act honorably, it is unfortunately true that some who seek to enter the medical profession are not so scrupulously honorable as they ought to be. The honest man can afford to be watched ; and the dishonest man stands in need of watching. In other words, laxity in this regard will redound entirely to the benefit of the unworthy.

(6.) That when the applicant has finished writing his answers they should be read and discussed before the Board of Examiners assemble in their formal session ; and then placed on file for transmission to the State Board.

(7.) That the oral examination of the applicant should be made by the Examining Board in formal session, so that all the members of the Board may judge of his general knowledge of medicine in its several branches,

(8.) That in a Board of five members two adverse votes ought to reject.

(9.) That after the questions have been prepared, the written examination can be conducted by the Chairman alone, it being necessary only to submit the written answers to the Board in full session.

COMMENTARIES AND EXPLANATIONS.

In our last report, from the Transactions of 1878, we related, for the information of the Association, the history of the "Act to regulate the practice of medicine in the State of Alabama," which was passed at the last session of the General Assembly, and approved by the Governor on the 9th day of February, 1877. In the course of this relation, we took occasion to explain under what circumstances it had occurred that the word "dollars" had been accidentally omitted from the penal section of that act. At that time, we were uncertain of the extent to which this omission would interfere with the execution of the penalties which the General Assembly had intended to provide for the punishment and restraint of illegal practitioners. Since then we have taken legal

advice in regard to this question, and we have been assured that whatever may be the effect of the omission of the word "dollars," in the place mentioned, there are in fact no legal obstacles in the way of the enforcement of adequate penalties against such persons as may undertake to practice in violation of the law.

The compilers of the Revised Code of the Statutes of the State have included in it this mutilated penal section, and have inserted the word "dollars" in its proper place. The section is numbered in the Code '4244, and the inserted word is inclosed in brackets. It is, of course, possible that this action of the compilers of the Code might not be sustained by the courts; but it fortunately happens that this uncertainty is of no practical consequence, because there is another section of the Code, namely, section 4447, which makes provision in one general rule for the punishment of all misdemeanors, of whatever character, for which special penalties are not prescribed. Now, since in the law to regulate it is expressly enacted that any person who practices medicine in violation of its provisions, is guilty of a misdemeanor, it is plain that this general statute covers the case completely, and furnishes an adequate remedy for any defect, real or suppositious, for which the special statute might be challenged in the courts.

We are able, therefore, to congratulate the Association upon the fact that the apparently defective condition of an important section of the law proves to be a matter of trivial importance, since it carries with it no damaging consequences.

Of the law itself, we do not hesitate to assert that it would be difficult to over-estimate its importance, whether to the profession, or to the general public. And yet we are well assured that there are members of this Association even who have failed to appreciate the dignity, and importance, and far-reaching influence of the authority with which, through the agency of this law, the Association has been invested. By virtue of this law, indeed, we stand on the threshold of a new era in the history of the medical profession in this country. For the first time in the annals of American legislation, the right to practice medicine is virtually restricted to the members of the medical profession, and the medical profession is, at the same time, invested with the power to control the qualifications of its own members.

It is an immutable principle in the economy of Providence, that privilege and obligation, authority and responsibility, are always bound together in inseparable copartnership and alliance; and it therefore behooves us, in the administration of this law, to proceed with the utmost wisdom and circumspection. We must be absolutely fair and impartial towards all who may be in any way affected by the operation of the law. Above all, we must appreciate the real purpose and spirit of the law, and must carry it into execution in such good faith, with such clean hands, with such union of gentleness and firmness, and in every way in such high and noble fashion, as shall prove that we are not unworthy of the great trust which the State has confided to our keeping.

In this connection, we hope that we may be pardoned for the expression of

our regret, that in some quarters it seems to have been taken for granted that the main object and chiefest recommendation of the law is to be found in the means which it affords for the suppression of irregular quacks and of peripatetic charlatans. Again and again, in our annual reports, we have protested against this misconception; and here again we take occasion to impress it upon the members of the Association, that the law has been conceived and enacted in a very different spirit from this—that, indeed, its first and greatest function is to banish charlatanism and incompetency from the medical profession itself. It is true that charlatans and ignoramuses outside of the regular ranks are also great public nuisances, and that as such the public welfare demands their suppression, and the law decrees it. But in carrying out this secondary and incidental function of the law, we must not neglect the execution of that function of it which is not secondary and incidental, but which contrariwise, is fundamental and first—namely, the purification, the elevation, the regeneration of our own professional brotherhood.

But will the law to regulate, if faithfully administered, really accomplish the wonderful results which we have so confidently asserted? Of this there can be no question whatever. For what, in the last analysis, is the sum and substance of the law but this, namely: That hereafter, in the State of Alabama, no man shall be allowed to engage in the practice of medicine until he has been examined by a board of medical men, and has been by them pronounced to be competent and worthy? If the examining boards do their duty, therefore, the resulting consummation which we have all so devoutly wished is certain, and no peradventure of doubt can cast its ghastly, gaunt, ungainly shadow into our professional future.

Suppose, however, that the examining boards do not do their duty, what then? Why, then, it matters very little what. But, to suppose this, is to suppose that the medical profession is a rank and pestilent congregation of shams and charlatans—is to suppose, in one word, that they are all that which they are in the habit of denouncing—a supposition which we find it impossible to entertain.

THE DUTY OF THE HOUR.

In view of the facts and principles which we have indicated, it seems plain to us that the most important duty that lies before the medical profession of the State of Alabama, and especially before the Medical Association of the State of Alabama, is to extend as rapidly as circumstances will permit into the several counties of the State the administration of the Law to Regulate the Practice of Medicine.

To this end we venture to make the three recommendations here subjoined, namely:

1. That in all the counties of the State, where it has not been already done, and where there are a sufficient number of physicians engaged in practice to warrant such action, as speedily as may be, County Medical Societies should be organized in accordance with the rules and usages of this Association.
2. That the County Medical Societies holding charters from this Associa-

tion, should proceed without unnecessary delay, to undertake the faithful and energetic administration of the law in their several jurisdictions.

3. That the Boards of Censors of the County Medical Societies, in their capacity of Authorized Boards of Medical Examiners under the law, should show, by the promptness, decision, energy, and faithfulness with which they proceed in the discharge of their duty, that they entertain an adequate appreciation of the high character and importance of the functions which they are called upon to exercise.

The duties and obligations of the general profession, of the organized Medical Societies, and of the Boards of Censors, which are referred to in these three recommendations, although inseparably allied and interwoven amongst themselves, are not precisely identical. They are all, however, indicated in general outline in section xiv of the Constitution of this Association; and especially the rules for the formation of the County Medical Societies, and the rules for the guidance of the Boards of Censors in the discharge of their constitutional functions. The rules for the guidance of the Boards of Censors in the exercise of their functions under the Law to Regulate the Practice of Medicine—that is to say, in the issue of certificates and the conduct of examinations—have been given with sufficient elaboration in the Ordinance in Relation to the Boards of Medical Examiners, which was enacted at our last session.

Over and above these, however, there are various questions of detail, which the Medical Societies and Examining Boards will have occasion to consider from time to time, and which do not fall within the scope either of the Constitution or of the Ordinance referred to. Inasmuch as there are obvious reasons why it would be better for the County Medical Societies and for the Examining Boards to observe uniformity of procedure even in matters of minor detail, it may not be amiss for us to pass some of these questions under review.

THE DUTIES OF THE MEDICAL SOCIETIES.

1. The Medical Boards are the creatures of the Medical Societies, and here as elsewhere, the creature is immediately and directly responsible to the creator. At the same time the creator is indirectly and mediately responsible for the creature. Neither can ignore nor repudiate the other. Hence, either formally or informally, the Medical Societies must authorize the Boards of Censors to enter upon the discharge of their functions as Boards of Examiners under the law; and hence, also, the Societies must become responsible for the legitimate expenses of the Boards. To meet these two indications every Society might pass some such resolutions as these that here follow—namely:

Resolved, That the Board of Censors of this Society, as the Authorized Board of Medical Examiners in and for the county of Blank, under the Law to Regulate the Practice of Medicine in this State, be and are hereby instructed to take such steps as may be necessary to carry out the administration of the said law in the said county of Blank; and that they do this without unnecessary delay.

Resolved, That the Board of Censors be, and are hereby authorized to procure at the expense of this Society, such blank books, stationery, etcetera, as they may stand in need of; to make, also, at the expense of this Society, once a week for three successive weeks in one of the newspapers of the county, such publication as may be necessary for the information of all concerned, of the organization of the Board of Medical Examiners, and of our intention to execute the provisions of the law; and to do whatever else may be found to be necessary to carry out promptly and efficiently the instruction contained in the foregoing resolution.

We would, also, suggest the following as an appropriate form of public notice:

OFFICE OF THE BOARD OF MEDICAL EXAMINERS OF THE COUNTY OF BLANK.

For the information of all whom it may concern, notice is hereby given that a Board of Medical Examiners has been organized in and for the county of Blank, under the Law to Regulate the Practice of Medicine in this State, which was approved on the 9th day of February, 1877; and that the provisions of said law will be hereafter of full force and effect in this county. (This to be signed by the President, or by the Secretary of the Board, or by both of them.)

THE DUTIES OF THE EXAMINING BOARD.

2. After these preliminary steps have been taken, one of the first duties of every County Board of Medical Examiners is to issue certificates, *pro forma* and without examination, to two separate classes of persons, namely: (1.) To all persons who are legally engaged in the practice of medicine at the time of the organization of the Board of Examiners; and, (2.) To all persons who, without being engaged in the practice of medicine at the time might legally do so if they saw fit. Here emerges the question, what is meant by the phrase "legally engaged in practice?" The reply to this is, that there are two classes of practitioners who come under this description, namely: (1.) All those who practice under the authority of diplomas of Medical Colleges; and, (2.) All those who practice under the authority of licenses of Medical Boards heretofore acting under the laws of this State.

There is still another class of practitioners, of whom it is to be hoped that their name is not legion, namely: (3.) All those who practice without any authority at all—those whom colleges have not honored with diplomas, and upon whom medical boards have not wasted licenses. These are not legally engaged in practice; and according to the letter of the law they are not entitled to certificates, *pro forma* and without examination. Here there arises question as to how these illegal practitioners are to be treated. It is evident that the penalties of the law to regulate practice might be enforced against them, and that they might thus be driven from the medical field. It may sometimes prove wise and expedient to do this. But at other time public opinion would censure this course of procedure as harsh, arbitrary, and unjust, so that it might prove to be quite other than expedient, and quite otherwise

than wise. It is the policy of the law, and still more emphatically it is the policy of this Association, to disturb established facts, privileges, practices, immunities, and pursuits as little as possible; and this whether the facts, privileges, practices, immunities, and pursuits are in themselves good, bad, or indifferent. We can not afford, by any arbitrary interference with existing interests, and especially by the deliberate destruction of the occupation and business by means of which men have been accustomed to make their daily bread and meat—we can not afford in this way, to provoke the prejudices of the thoughtless thousands who constitute the great mass of the body politic—can not afford it, because if the masses of the people were to array themselves against our law to regulate practice, some future General Assembly would sweep it away like so much chaff.

After very careful consideration of the whole question, we have reached the following conclusion, namely: That all such persons as are actually engaged in the practice of medicine in any county before the organization of the Board of Medical Examiners therein, even although they are thus engaged without authority of law, had better be let alone, unless their incompetence or their mendacity is so notorious as to place them outside of the pale of public sympathy.

In the case of peripatetic charlatans, all the conditions of the problem are changed. These roaming and advertising gentlemen have no local habitations amongst us. They are at the same time birds of passage and birds of prey, obscene and filthy, mendacious and unscrupulous beyond all reach of decent description, and good principle and good policy alike dictate that they should be checked at once in their careers of robbery and imposture.

THE ENFORCEMENT OF THE PENALTIES.

3. This brings us naturally to another question of practical importance, namely: What measures are necessary to secure the enforcement of the legal penalties against illegal practitioners? If there are no prosecutions there can be no convictions. If the law is allowed to be violated with impunity it will, of course, remain a dead letter. But convictions can be had only upon adequate evidence, and adequate evidence is not usually to be had unless some trouble is taken to hunt it up. The collection of evidence and the arraignment of offenders before the legal tribunals is commonly felt to be an ungracious and disagreeable duty; but when this needs to be done in the vindication of a great public interest, instead of in the pursuit of some private advantage, it becomes a duty from the performance of which no good citizen should allow himself to shrink. It is an old maxim, however, and universal experience proves it to be a true one, that what is everybody's business is nobody's business; and it is plain that in the administration of the penalties of this law, the members of the medical profession will have to become the active agents, as well as in the administration of the more dignified duties of issuing certificates and making examinations.

We hold it to be important, therefore, that the whole question of the execution of the legal penalties against illegal practitioners should be specially dis-

cussed in every county medical society, so that some mutual understanding may be reached, so that the individual members may be fully advised of their duties in the premises, and so that everything may be done systematically and deliberately, leaving as little as possible to accident and chance.

In the prosecution of these cases they may be carried before the grand juries, who, if the proof is sufficient, would be obliged to find true bills of indictment, and then the subsequent prosecution would be conducted by the State. But grand juries are not always in session, and prosecutions of this character are liable to many delays. In a considerable number of these cases, therefore, if not, indeed, in the majority of them, it is better that the processes should be brought before the justices of the peace, who, upon the same presumption of the sufficiency of proof, would either exact the penalty at once, or else place the accused under bond to appear before some higher court.

What constitutes sufficiency of proof? It is not enough to prove that the accused has publicly offered, by advertisement in newspapers, or by means of printed circulars, or otherwise, to practice in contravention of the law; but it must be shown that he has actually given medical advice to certain specified persons, on certain specified occasions. Usually this sort of proof can be obtained without difficulty, because it is usually easy to find out what patients have been under treatment, and these can be summoned as witnesses.

4. Last of all, in this connection, comes up the question as to whether notice ought to be served in advance upon such persons as are evidently preparing to engage in practice unlawfully. This is not strictly necessary, since acquaintance with the law is in all cases presumed. But it is always more in consonance with the instincts of generous natures to give fair warning before commencing an assault. Besides, there are incidental advantages connected with this method of procedure which are sufficiently obvious not to require any special mention. We recommend, therefore, as a general rule, that wherever, in any county of this State, any person is known to be about to engage in the practice of medicine, in ignorance of the law, or in defiance of its penalties, that the Board of Censors of the County Society proceed to serve notice upon him, warning him that the provisions of the law must be complied with; and we suggest the following as a suitable form for such notice:

OFFICE OF THE BOARD OF MEDICAL EXAMINERS OF BLANK COUNTY.

Sir—We have the honor to inform you that before any person can engage in the practice of medicine, in any of its branches, in this county, he must, in accordance with the provisions of the Law to Regulate the Practice of Medicine in the State of Alabama, undergo examination by the authorized Board of Medical Examiners of the county, and must obtain from them a Certificate of Qualification, which certificate must also be registered in the office of the judge of probate. To practice in contravention of the law constitutes a misdemeanor, punishable by fine and imprisonment. (This is to be signed by the President, or by the Secretary of the Board of Censors, or by both of them.)

A SPECIAL RECOMMENDATION.

We have another recommendation to make, which, while it is of a very simple character, seems to us to be of great practical importance, namely, this:—

That at least once in every year, and upon some specially designated occasion, it shall be made a special order of business, in every County Medical Society, to bring up for general examination and discussion, the whole question of the administration by the society itself, and by its Board of Censors, of its duties and functions in relation to the requirements of the Constitution of the State Association, in relation to the health laws of the State, and in relation to the Law to Regulate the Practice of Medicine. It would seem that the fittest occasion for this general examination would be in connection with the annual report of the Board of Censors at the annual meeting for the election of officers. For the rest, it is quite certain that it is only by some formal arrangement of this sort that the several societies can accomplish their full measure of usefulness in their several jurisdictions, and guard themselves adequately against the mischievous consequences of carelessness, negligence and general inefficiency. .

CHAPTER IV.

THE PUBLIC HEALTH SYSTEM.

SUMMARY OF CONTENTS :

Historical Sketch—An Act to Establish Boards of Health in the State of Alabama—An Act to Carry into Effect the Health Laws of the State—An Act to Provide for the Supervision of the Public Health, and for the Collection of Vital Statistics in the Several Counties of Alabama—Health Ordinances of the Association—An Ordinance in Relation to the Committee of Public Health—An Ordinance Creating a Health Officer for the State of Alabama—The Regulation of the Practice of Pharmacy—The Laws in Relation to Dentistry—The Policy of the State Board of Health in Regard to National Quarantine.

HISTORICAL SKETCH.

Massachusetts was the first State in the Union to create a State board of health, the board being composed of seven members, some of them physicians, some lawyers, and some merchants, and all of them appointed by the Governor of the State. This system was established by an act of the Legislature in 1867. By an older law, which was continued in operation, the municipal authorities, composed almost exclusively of non-medical men, were charged with the supervision of the health of the towns. In 1870, this Massachusetts system was adopted by the State of California, and it has been adopted since then by a number of other States. Indeed, in all of the States in which State Boards of Health have been established, with the exception of Alabama, the Massachusetts law has been taken as the model.

At the annual session of the American Medical Association, which was held in San Francisco in 1871, a committee was appointed, composed of one member for each of the States, and this committee was charged with the duty of urging upon the several State Legislatures the importance to the public welfare of the establishment in all the States of State Boards of Health. The committee prepared a memorial, addressed to the Legislatures of the several States, urging upon them the adoption of the Massachusetts plan, and this memorial was presented to the Legislature of Alabama in the winter of the same year, 1871, by the distinguished Alabama member of the committee, who pressed its claims with his usual energy and ability, and with the countenance and support of many of our leading physicians. Some of the members of the State Medical Association had already thought out for themselves a different, and, as they believed, a much better system, that, namely, which has been

subsequently adopted in this State, and these threw the weight of their influence into the scales against the Massachusetts plan, and thereby secured its defeat.

At the session of the Association which was held in Huntsville in 1872, both of these plans of State health supervision, the old Massachusetts plan and the new Alabama plan, were brought up by their respective advocates for consideration. The discussion was conducted with much earnestness on both sides, and resulted in the emphatic endorsement by the Association of the new plan. The distinctive features of our Alabama system are now too well known to need recapitulation here. It is enough to mention that in it the State Association is made the State Board of Health, with a general supervision of the County Boards of Health, while the functions of County Boards of Health are invested in the several County Medical Societies, thus virtually engaging all the doctors of the State in the sanitary service of the people, and in the administration of the health laws of the State.

At the annual session of the Association in Selma in 1874, this plan was again presented for discussion, this time in the shape of a bill, which included all the formal details that were considered necessary for legal enactment. It was unanimously approved by the Association, and the Board of Censors were ordered to present it to the Legislature. This was duly done, and the bill was enacted into a law in January, 1875. There is a good deal of interesting history connected with the development of our system, and the gradual fulfillment of our hopes by legislative action; but this may be passed over for the present, it being only necessary to add here that the law of 1875 was supplemented in 1879 by an act appropriating the annual sum of three thousand dollars for the use of the State Board.

We have recognized, from the beginning of the movement which has been so briefly described, how extremely difficult it is to devise and administer a system of sanitary laws, involving practical sanitary work, and the collection of vital and mortuary statistics, in a country generally so sparsely settled as ours, in such way as that the accruing advantages shall not be bought at too high a price—at too large an expense of time and money; and we have always made it a rule never to ask the co-operation and assistance of the State in the carrying into execution of any of our plans, until we have first made a thorough survey of the whole ground, and satisfied ourselves that the State would receive an adequate return for the required outlay. In a word, we have felt that we could not afford to make promises that we were not certain of our ability to fulfill. Acting in entire harmony with the spirit here indicated, it seems to us that the time has now come when we may wisely and prudently endeavor to make another important forward movement; and when it becomes our duty, as the medical advisers of the State, to ask for additional legislation, with a view to a more efficient sanitary supervision of the State, and especially with a view to the institution of an efficient system for the collection of vital and mortuary statistics.

All sanitarians and publicists are agreed in regard to the very great importance of vital statistics; so that we do not feel called upon to discuss this issue

here. The problem to be considered is a purely practical one, namely, this: How, with such means as we are able to command, to collect these vital statistics in the State of Alabama in the most efficient way?

This problem is easy enough of solution in reference to cities and towns where there are large numbers of people gathered together within narrow limits of space, with efficient local laws, active health boards, and salaried health officers; but in reference to sparsely settled country neighborhoods, where such agencies as have been mentioned are available to but a limited extent or not at all, the problem becomes sufficiently difficult. While, however, it is well to acknowledge, at their full value, all the difficulties that stand in the way, it will not do to despair of being able to deal with them successfully. Very venerable is the adage, "Where there is a will there is a way;" and here the one available way is one that is easily found.

The statistics of population and marriage are already provided for. It remains to provide for the statistics of births, and deaths, and diseases, and the more the question of ways and means, with reference to these, are discussed, the more it becomes evident that the desired information must be principally obtained through the agency of the medical profession, and of the medical profession as organized in State Associations and County Societies. Some one or more of the members of these Associations and Societies is to be found in almost every neighborhood, and the facts wanted are of a sort that comes almost naturally to their knowledge, and of which they alone can be competent judges.

Public policy and professional advantage both require that the profession generally should do this work without pecuniary compensation. The amount of it that would fall to the share of any individual member of the profession would be small, and he could readily afford to do it without pay. Only those upon whom the duty would fall of gathering together the numerous individual reports, of tabulating and comparing information collected, and of supervising the methods and details of the work, would have to devote to it so much time, so much labor, and so much expert skill, as would make it necessary for them to demand any special recompense in the way of salaries paid out of the public purse; and even these salaries can be made so moderate as not to become burthensome to the public.

AN ACT TO ESTABLISH BOARDS OF HEALTH IN THE STATE OF ALABAMA.

SECTION 1. *Be it enacted by the General Assembly of the State of Alabama*, That the Medical Association of the State of Alabama, organized in accordance with the provisions of the Constitution, which was adopted by said Association at its annual meeting in the city of Tuscaloosa, in March, 1873, be and is hereby constituted the Board of Health of the State of Alabama.

SEC. 2. *Be it further enacted*, That the Board of Health of the State of Alabama, thus established, shall take cognizance of the interests of health and life among the people of the State; shall investigate the causes and means of prevention of endemic and of epidemic diseases; shall investigate the influences of localities and employments upon the public health; shall from time to time make to the General Assembly such suggestions as to legislative action as, in their judgment, may seem advisable; and shall be, in all ways, the medical advisers of the State.

SEC. 3. *Be it further enacted*, That such Board of Health of Alabama shall make to the Governor, for transmission to the General Assembly, an annual report of their investigations and transactions; of which annual reports there shall be annually published, as other reports transmitted through the Governor to the General Assembly, a sufficient number of copies for distribution among the members of the General Assembly, and the members of the Board of Health of the State of Alabama, and such additional numbers as may be deemed advisable for the purpose of exchanging for the reports of similar Associations in other States.

SEC. 4. *Be it further enacted*, That the County Medical Societies in affiliation with the Medical Association of the State of Alabama, and organized in accordance with the provisions of the Constitution of the said Association, as described in the first section of this act, be and are hereby constituted Boards of Health for their respective counties; and, as such, shall be under the general direction of the Board of Health of the State of Alabama, created by the first section of this act.

SEC. 5. *Be it further enacted*, That the County Boards of Health thus established, shall have only advisory powers, and shall be conducted without expense to the State or to their respective counties, except under the conditions provided for under the sixth section of this act, which here follows:

SEC. 6. *Be it further enacted*, That the competent legal authorities of any county in this State, or of any incorporated town or city of any such county, shall, whenever in their

judgment it becomes expedient to do so, proceed to invest the Board of Health of the county, with such executive powers and duties for the promotion of the public health, and under such rules and stipulations as shall be agreed upon between the two parties.

SEC. 7. *Be it further enacted*, That in any such agreement, as is contemplated in section six of this act, the right to elect or appoint the officers and servants employed in the administration of the sanitary regulations so agreed upon, shall, in all cases, be reserved to the Board of Health; and, further, that all questions relating to salaries, appropriations and expenditures, shall be reserved to the legal authorities of the county, town, or city, as the case may be.

SEC. 8. *Be it further enacted*, That no Board of Health, or advisory, or executive medical body of any name or kind for the exercise of public health functions, shall be established by authority of law in any county, town, or city of this State, except such as are contemplated by the provisions of this act, the object of this prohibition being to secure a uniform system of sanitary supervision throughout the State. But nothing in this article shall be so construed as to prevent any of the Boards of Health created by section four of this act from accepting and executing any special powers that may be granted them by the General Assembly of the State; *Provided*, That this act may be changed, modified, or repealed at any time, at the pleasure of the General Assembly of this State.

Approved February 19, 1875.

AN ACT TO CARRY INTO EFFECT THE HEALTH LAWS OF THE STATE.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of three thousand (\$3,000) dollars a year, or so much thereof as may be necessary for that purpose, be and the same is hereby appropriated to carry into effect the health laws of the State of Alabama.

SEC. 2. *Be it further enacted*, That this appropriation shall be expended under the direction of the Board of Health of

the State of Alabama, which said Board of Health shall make, annually, to the Governor of the State an itemized report of its expenditures under this act.

SEC. 3. *Be it further enacted*, That this appropriation shall be paid from time to time by the Treasurer of the State upon the warrants of the Auditor, which warrants shall be drawn on the requisitions of the said Board of Health through its presiding officer.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 12, 1879.

The following draft of an act has been approved by the Association, and will be presented to the General Assembly at its next session. If it should be enacted into a law, it will constitute an important part of the health laws of the State. It is accordingly printed in this edition of the Book of the Rules in anticipation of its passage,

AN ACT TO PROVIDE FOR THE SUPERVISION OF THE PUBLIC HEALTH,
AND FOR THE COLLECTION OF VITAL STATISTICS IN THE SEVERAL
COUNTIES OF THE STATE OF ALABAMA.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in every county in the State of Alabama in which there may be a County Board of Health, organized in accordance with the act of the General Assembly, entitled an act to establish Boards of Health in the State of Alabama, which was approved on the 19th day of February, 1875, it shall be the duty of the said County Board of Health—

(1.) To supervise the administration of the health laws of the State in such county, and especially the regulations made for the protection of the public health, and for the collection of vital statistics.

(2.) To examine into all cases of malignant, pestilential, infectious, epidemic and endemic diseases that may occur in

such county, and the causes thereof, and to take such steps as may be necessary for their abatement and prevention, not inconsistent with law and to the extent of the means placed at their disposal.

(3.) To examine into all such nuisances as may tend to endanger the health of the county, and to take such steps as may be necessary for their abatement and prevention, not inconsistent with law and to the extent of the means placed at their disposal.

(4.) To exercise a general supervision over the sanitary regulations of all the public institutions of the county, and including the hospitals, asylums, work-houses, prisons, markets and public schools.

(5.) To supervise and regulate, within the county, all matters pertaining to quarantines and quarantine physicians, including all measures of detention and disinfection of all vessels and vehicles, freights and passengers, coming from places against which quarantine may have been lawfully proclaimed.

SEC. 2. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act—

(1.) That no person laboring under any pestilential or infectious disease shall come or be brought into any such county, or removed from place to place within the limits of any such county, except by permission of the county board of health, and under such regulations as they may from time to time see fit to prescribe.

(2.) That no dead human body shall be brought into any such county, or removed from place to place within the limits of any such county, except by permission of the county board of health, and under such regulations as they may from time to time see fit to prescribe.

SEC. 3. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act—

(1.) That the county board of health shall, from time to

time, whenever any vacancy may exist in such office, elect a health officer for the county, in accordance with the laws of the State, and fix his term of office.

(2.) That every such health officer shall give bond, in the form prescribed by law, and to be approved by the probate judge of the county, in a sum equal to the amount of his salary for one year.

(3.) That every such health officer shall receive such salary as the board of county commissioners may from time to time determine, but not less than one hundred (100) dollars a year, to be paid out of the county treasury as are the salaries of other county officers.

(4.) That every such health officer may be at any time summarily removed from office, by the county board of health, for inefficiency or neglect of duty, or malfeasance in office, or other sufficient cause.

SEC. 4. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act—

(1.) That it shall be the duty of the county health officer, under the direction and control of the county board of health, and in accordance with the health laws of the State, to exercise a general supervision over the sanitary interests of the county.

(2.) That in all cases wherein he may discover the existence of any thing which, in his judgment, is detrimental to the health of the county, he shall promptly cause the laws applicable thereto, for the correction of the evil, to be enforced.

(3.) That if, in his judgment, there be no laws applicable to the correction of the evil, he shall make to the county board of health a full report of all the circumstances of the case, accompanied with his opinion as to the necessity of any special action.

(4.) That he shall make diligent inquiry into all cases of pestilential or infectious diseases that may occur in the county; cause immediate measures, not inconsistent with law and

to the extent of the means placed at his disposal, to be taken to prevent the spread of such diseases from such cases; and report all the facts promptly to the county board of health.

(5.) That he shall, from time to time, obtain supplies of reliable vaccine, at the expense of the county, which he shall furnish to the physicians of the county free of charge.

(6.) That when prepared to do so, he shall vaccinate, without charge, all such indigent persons as may make application at his office for that purpose.

(7.) That he shall discharge such other executive health functions as may be, from time to time, ordered by the county board of health.

SEC. 5. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act—

(1.) That the county health officer shall keep a book, to be styled "*The Register of Births*," in which he shall register all the births that may occur in the county, under such regulations as may be from time to time prescribed by the county board of health.

(2.) That in order that this registration of births may be adequately carried out, every physician, every midwife, and every other person who may attend any case of midwifery or child-birth within the limits of the county, shall make to the county health officer, and within such limit of time after its occurrence as may be from time to time prescribed by the county board of health, a full report of every such case, specifying the names of the parents, the date of the birth, and the sex and color of the child, together with such other details as may be from time to time prescribed by the county board of health.

(3.) That the county health officer shall keep a book, to be styled "*The Register of Deaths*," in which he shall register all the deaths that may occur in the county, under such regulations as may be from time to time prescribed by the county board of health.

(4.) That the county health officer shall supervise all the certificates of death, to see that they are properly made out, with the forms of the certificates and the nomenclature of the diseases, in accordance with the requirements of the county board of health.

(5.) That in all cases of death, in which no proper certificate can be otherwise obtained, the county health officer shall make out the required certificates, except that in cases which require the intervention of the coroner, that officer shall be promptly notified.

(6.) That in order that this registration of deaths may be adequately carried out, every physician, every midwife, and every other person who may have been in charge of any patient at the time of death, shall make to the county health officer, and within such limit of time after its occurrence as may be from time to time prescribed by the county board of health, a full report of every such death, specifying the name, age, sex, color, date, place and cause of death, together with such other details as may be from time to time prescribed by the county board of health.

(7.) That the county health officer shall keep a book, to be styled "*The Register of Infectious Diseases*," in which he shall register all the cases of pestilential or infectious diseases that may occur in the county, under such regulations as may be from time to time prescribed by the county board of health.

(8.) That in order that this registration may be adequately carried out, every physician and every other person practicing medicine in the county shall make to the county health officer, and within such limit of time after its occurrence and recognition as may be from time to time prescribed by the county board of health, a full report of every such case of pestilential or infectious disease that he may be called upon to treat within the limits of the county, specifying the character of the disease, the name of the patient, and the locality in which the patient is to be found, together with such other

details as may be from time to time prescribed by the county board of health.

(6.) That every citizen, or head of a family, upon whose premises there may occur any case of pestilential or infectious disease, not under the charge of any physician, shall, in like manner, report the facts to the county health officer.

SEC. 6. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act—

(1.) That the county board of health shall also appoint, from time to time, such assistant health officers, and in such numbers, and distributed in such way through the county as to them the public convenience may seem to require.

(2.) That these assistant health officers shall keep, severally, registers of births, registers of deaths, and registers of infectious diseases, of the same character as those required to be kept by the county health officer.

(3.) That physicians, and midwives, and other citizens, may report births, deaths, and cases of pestilential or infectious diseases, to any of these assistant health officers, instead of to the county health officer himself, whenever they find it more convenient to do so.

(4.) That the same regulations that may apply, from time to time, to reports made to the county health officer, shall also apply to reports made to these assistant health officers.

(5.) That the assistant health officers shall make such reports of the births, the deaths, and the cases of pestilential or infectious diseases registered by them as the county board of health may from time to time prescribe.

(6.) That the assistant health officers shall serve the county in the ways indicated without pay; and may be at any time summarily removed from office by the county board of health.

SEC. 7. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act—

(1.) That the county health officer shall make to the coun-

ty board of health weekly, monthly, and annual reports of all the business done in connection with his office, including the report on the sanitary condition of the county, the report of the births, deaths, and infectious diseases, and such other reports as the said county board of health may from time to time prescribe.

(2.) That the county board of health shall make to the board of county commissioners, and also in duplicate to the State board of health, and during the month of January of every year, a full and complete annual report of all the sanitary work done in the county during the preceding calendar year by them, or under their orders; the said annual report to contain all the vital and sanitary statistics of the county, together with such other information, and such suggestions and recommendations in regard to the public health as to the county board of health may seem advisable, or as may be from time to time required by the board of county commissioners or by the State board of health.

SEC. 8. *Be it further enacted*, That in each and every of all such counties as are indicated in the first section of this act—

(1.) That the failure or refusal of any physician, midwife, head of family, or other citizen, to perform any of the requirements of this act, shall be accounted a misdemeanor.

(2.) That any physician, midwife, head of family, or other citizen, so offending, shall be punished, on conviction thereof, before any court of competent jurisdiction, by a fine, for each and every such offense, of not less than ten dollars nor more than fifty dollars, in the case of any physician; and of not less than five dollars nor more than twenty-five dollars in the case of any midwife, head of family, or other citizen.

SEC. 9. *Be it further enacted*, That in each and every of all such counties as are indicated in the first section of this act—

(1.) That for the purpose of securing uniformity of sanitary administration, and uniformity of statistical reports, the county boards of health shall execute the provisions of this

act in accordance with such regulations as may be from time to time prescribed by the State board of health.

(2.) That under the provisions of this act county boards of health shall make no expenditure of money, except such as may be authorized from time to time by the board of county commissioners.

SEC. 10. *Be it further enacted*, That all acts, and parts of acts, in conflict with the provisions of this act, be and are hereby repealed; and that this act shall have effect from and after its passage.

The following draft of an act in relation to State Quarantine has received the approval of the Committee of Public Health, and will be presented to the General Assembly at its next Session. It is printed in this edition of the Book of the Rules in anticipation of its passage :

AN ACT TO BE ENTITLED "AN ACT TO REGULATE THE PRACTICE OF
QUARANTINE IN ALABAMA."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it is the duty of the State Board of Health, and they are hereby authorized and empowered, whenever in their opinion the same shall become necessary, to prevent the introduction into this State of yellow fever, or of any other infectious, epidemic, or pestilential disease, with the approval of the Governor and under his proclamation to declare, establish and conduct such quarantines and quarantine measures as to them may seem expedient and necessary.

SEC. 2. That nothing in this act shall be so construed as to prevent the establishment and enforcement by county and municipal authorities of local quarantines, as heretofore provided for by law. But whenever such local quarantines and the regulations thereunder shall have been first submitted to the State Board of Health, and shall have been approved by the same, and when the execution thereof is under the general supervision and direction of the said State Board of Health, then one half of the expense of enforcing such local

quarantines shall be paid by the State. And it is hereby made the duty of said State Board of Health, whenever called upon so to do by any county or municipal authorities of this State, to furnish the supervision and assistance herein provided for.

SEC. 3. That said State Board of Health is hereby authorized and empowered, and it is hereby made their duty, to make all the necessary rules and regulations for carrying into effect the provisions of this act.

SEC. 4. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated, out of any sums in the treasury not otherwise appropriated, to defray the expenses that may arise under the operation of this act, the said appropriation to be paid by the State Auditor on the order of the presiding officer of said State Board of Health. And said State Board of Health shall annually make to the Governor of the State an itemized report of all expenditures incurred under this act.

SEC. 5. That all laws and parts of laws in conflict with the provisions of this act, be and are hereby repealed; and that this act shall take effect from and after its passage.

THE HEALTH ORDINANCES OF THE ASSOCIATION.

AN ORDINANCE IN RELATION TO THE COMMITTEE OF PUBLIC HEALTH.

1. *Be it ordained by the Medical Association of the State of Alabama*, That the Board of Censors of the Medical Association of the State of Alabama be and is hereby constituted the Committee of Public Health of the State of Alabama.

2. *Be it further ordained*, That the Committee of Public Health shall be the supervisory and immediately responsible agents of the Association in the discharge of its functions as Board of Health of the State.

3. *Be it further ordained*, That the Committee of Public Health shall act as a general committee of reference in all matters relating to the sanitary interests of the State, and

this both during the sessions and during the intervals between the sessions of the Association.

4. *Be it further ordained*, That the Committee of Public Health shall prepare for the consideration of the Association such plans and suggestions as from time to time may seem to them expedient and proper.

AN ORDINANCE CREATING A HEALTH OFFICER FOR THE STATE OF ALABAMA.

Be it ordained by the Medical Association of the State of Alabama (1), That this Association, acting in the capacity of the Board of Health of the State of Alabama, hereby authorizes the election, from time to time as occasion may require, of an executive health officer to be entitled the Health Officer of the State of Alabama.

(2.) That the said Health Officer shall be elected by the Committee of Public Health of this Association; that his term of service shall be for five years; and that he shall be paid out of the annual appropriation made to the State Board of Health to carry into effect the health laws of the State, such annual salary as the Committee of Public Health may from time to time determine.

(3.) That it shall be the duty of the said Health Officer to keep the books and papers, and to conduct the correspondence of the State Board of Health; to give such assistance in the organization of the County Boards, and in the conduct of their subsequent operations, as may be ordered by the State Board of Health; to obtain from the County Boards of Health, and from other available sources, the fullest possible reports in regard to the diseases of the several counties, and of the causes in which such diseases originate; to prepare, under the direction of the State Board of Health, an annual report upon the vital and mortuary statistics and the sanitary condition of the State; and to make such special investigations of endemic and of epidemic diseases, and of other problems in sanitary science as may be ordered by the State Board of Health.

(4.) That the said Health Officer shall be the general executive officer of the State Board of Health; that in the intervals between the annual sessions of the Association he shall be under the orders of the Committee of Public Health of the Association; and that he may be at any time removed from office by the said Committee of Public Health for incompetency, or malfeasance in office, or other sufficient cause.

Done in annual session in the City of Selma, April 11th, *Anno Domini*, one thousand eight hundred and seventy-nine.

THE REGULATION OF THE PRACTICE OF PHARMACY.

The law of Alabama in relation to the sale of drugs and medicines is summed up in two sections of the Revised Code, as follows:

§ 4242 (3683). *Selling poison without precaution to prevent accidents.*—Any druggist, apothecary, or other person who sells or delivers any poison or poisonous substance, not having the word poison written or printed on a label attached to the vial, box, or parcel in which the same is sold; or sells and delivers any tartaremetic, laudanum, or morphine, not having the common name thereof written or printed on a label attached to the vial, box or parcel containing the same; or sells or delivers any poison or poisonous drug or substance to any apprentice, or to any child under ten years of age, without the written order of the master of such apprentice, or the parent, guardian, or person having legal charge of such child, must, on conviction, be fined not less than fifty, nor more than three hundred dollars.

§ 4243 (1234). *Druggists to obtain licenses; penalty for failure.*—All druggists in this State are required to obtain a license to deal in drugs from some medical board in this State, or from the medical college of this State; and any person violating the provisions of this section, on proof thereof is not entitled to recover for any drugs or medicines he has sold, and is also guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars.

The second of these two sections, which requires druggists to obtain license from some medical board or from the medical college of Alabama, has not been enforced, so far as we know, in any part of the State for a great many years ; but since public attention has been excited by the organization of our boards of medical examiners, the attention of druggists has been attracted to the statute so long ignored ; and in several counties they have applied for licenses. It will be seen at a glance that the law is extremely defective, since it makes no provision as to qualification as a pre-requisite, nor for any examination as a test of qualification. It may be plausibly argued that the power to license involves the power to determine upon what sufficient ground licenses are to be issued, as also the power to refuse to license. If the validity of this argument is admitted, then it seems to us to be plain that persons dealing in drugs and medicines ought to be divided into two classes ; the first class to be composed of such persons as do nothing more than sell drugs and medicines which are already prepared or compounded ; and the second class to be composed of such persons as engage in the compounding and manufacture of medicines and medical preparations, and in putting up prescriptions for physicians and others.

We therefore recommend to the boards of medical examiners under the jurisdiction of this Association, that when called upon to issue licenses to druggists they shall observe this distinction, and issue to any body who applies for it a license simply to buy and sell drugs and medicines which are already prepared or compounded, and this without examination ; but that they shall issue licenses to compound drugs and medicines, or to prepare prescriptions only to such persons as are known to have a reasonable amount of pharmaceutical knowledge and skill. And we further recommend that in making examinations of applicants for license the examining boards shall avail themselves as far as possible of the assistance of competent apothecaries and pharmacutists.

THE LAW IN RELATION TO DENTISTRY.

The laws of Alabama in relation to the practice of dentistry, which it is necessary for us to consider, are to be found in two sections of the Revised Code that follow here :

§ 1523 (1230). *Penalty for practicing dentistry without license.*—Every person practicing dental surgery without a license from a medical board in this State, forfeits fifty dollars, one-half to the person suing for the same, the other half to the use of the county.

§ 1524 (1231). *Contracts for medical service void, if doctor not licensed, &c.*—Every contract, the consideration of which is founded upon services rendered as a physician, surgeon, or dentist, is void unless the person rendering services has obtained a license to practice in such capacity from one of the medical boards of this State, or is a graduate of some medical college in the United States.

From these statutes it would seem that the diploma of a dental college does not entitle its holder to practice dentistry in this State, but that every dentist must have either the diploma of a medical college, or the license certificate of a board of medical examiners. This state of the law has led to applications to our boards for licenses to practice dentistry, and hence it becomes necessary for us to consider what is the duty of our examining boards under the circumstances. Here again the law makes no provision as to examinations and qualifications. But here again it would seem fair to conclude that the right to give authority to practice necessarily carries along with it the right to withhold such authority. We therefore recommend as the proper policy to be pursued by our boards of medical examiners in reference to this matter : (1) That when application is made to them for license to practice dentistry, if the applicant is a graduate of any dental college, the license shall be issued without examination ; (2) That when the application is made to practice dentistry, and the applicant is not a graduate of a dental college, it is the duty of the board to satisfy themselves that the applicant has a respectable degree of proficiency in the business he proposes

to follow ; (3) That in making examinations for the practice of dentistry, the medical boards should avail themselves as far as possible of the assistance of competent dentists.

THE POLICY OF THE STATE BOARD OF HEALTH IN REGARD TO
NATIONAL QUARANTINE.

The policy of the State Board of Health in regard to National Quarantine and the quarantine powers of the National Board of Health, is briefly indicated in the following Memorial :

THE MEMORIAL OF THE BOARD OF HEALTH OF THE STATE OF ALA-
BAMA.

*To the Honorable the Senate and the House of Representatives
of the Congress of the United States of America :*

The Board of Health of the State of Alabama, having duly considered the scope and tendency of the several bills now pending in the Congress of the United States, "To increase the efficiency of the National Board of Health," have reached, in reference to the same, the following general conclusions, namely :

(1.) That it is the duty as well as the privilege of every community, as well as of every individual, to take care of itself to the full extent of its ability to do so, and, amongst other things, to protect itself against the invasion of epidemic diseases.

(2.) That the practical questions involved in the establishment and management of quarantines, are of such grave importance, and affect so intimately and so profoundly the material interests of the State, and of the local communities within the State, as to make it neither wise nor prudent for us to intrust the administration of quarantine to the hands of any other health authorities than those who are of our own appointment and directly responsible to our own people.

(3.) That while the several bills now pending in the National Congress "To increase the efficiency of the National

Board of Health," do not interfere with the right of the State and local authorities to proclaim and enforce such quarantine regulations, in addition to those of the National Board, as to them may seem advisable, they are still open to objection from the fact that they give to the National Board the power to establish and administer quarantines within the limits of the State against all commerce and travel of which one of the terminal points lies outside of the State, and this without the consent of the local authorities, and even without consultation with them.

(4.) That it seems to us to be a proposition clearly self-evident to all persons of competent judgment in questions of this kind, that the State can not afford to allow this large grant of power, so nearly affecting the welfare of our people, to be placed in the hands of the National Board of Health, or of any other agent of the federal government, without making earnest efforts to prevent it.

(5.) That without entering into the discussion of the principles and circumstances under which it may become advisable for the general government to extend to State and municipal authorities pecuniary and other assistance towards the establishment and maintenance of quarantines, it still seems perfectly clear to us that the proclamation and administration of quarantines should, in all cases, be reserved to the State and municipal authorities.

(6.) That it also seems to us to be true, beyond all reasonable question, that no uniform system of quarantine regulations, suitable to all times and places, can possibly be devised; but *per contra*, that the quarantine regulations that are applicable to one place will often prove entirely unsuited to the wants of another place; and that in different seasons even the same place will require widely different regulations.

(7.) That it is the circumstantial details of quarantines that present the practically difficult and important problems of quarantine administration; and that these can not be wisely ordered nor wisely managed except by experts, who

are intimately acquainted with local and surrounding conditions.

(8.) That these propositions being admitted, it follows that the rule established last year by the National Board of Health, to the effect that assistance should be extended only to such State and municipal boards as had first adopted the national rules and regulations, is very gravely objectionable, both in principle and practice, and ought not to be continued.

(9.) That the only wise and expedient rule in this regard is this, namely: That such State and municipal boards as desire the assistance of the National Board, should be required to submit their own local regulations to the National Board for examination, and that if these are found by the National Board to be of reasonable thoroughness and sufficiency, the needed assistance should then be granted.

(10.) That the National Board ought, properly, to have the general direction and control of quarantines against foreign countries; but that even these international quarantines could be most wisely and efficiently administered through the agency of the State and municipal boards having local jurisdiction over our seaport cities.

(11.) That we are in no sense antagonistic to the National Board; but, contrariwise, appreciate very fully that it has for the exercise of its legitimate functions a wide and important field of usefulness, within which the State and municipal boards have no jurisdiction, and this without emasculating and weakening the State and municipal boards, and without absorbing directly or indirectly, their most important functions.

(12.) That holding these opinions, we should very much regret to see the power and usefulness of the National Board, in its own proper field of action, diminished or destroyed by the withholding of the appropriations for which it has made application, and which are indubitably necessary for the successful continuance of the scientific investigations, sanitary surveys, and other works of sanitary administration and research which it has auspiciously begun.

All of which is respectfully submitted, in the name and behalf of the Board of Health of the State of Alabama.

Done in the City of Montgomery, on the 10th day of May,
Anno Domini, 1880.

CHAPTER V.

THE CODE OF MEDICAL ETHICS.

OF THE DUTIES OF PHYSICIANS TO THEIR PATIENTS, AND OF THE OBLIGATIONS OF PATIENTS TO THEIR PHYSICIANS.

ART. I.—*Duties of Physicians to their Patients.*

SECTION 1. A physician should not only be ever ready to obey the calls of the sick, but his mind ought also to be imbued with the greatness of his mission, and the responsibility he habitually incurs in its discharge. Those obligations are the more deep and enduring, because there is no tribunal other than his own conscience to adjudge penalties for carelessness or neglect. Physicians should, therefore, minister to the sick with due impressions of the importance of their office; reflecting that the ease, the health, and the lives of those committed to their charge, depend on their skill, attention and fidelity. They should study, also, in their deportment, so to unite *tenderness* with *firmness*, and *condescension* with *authority*, so as to inspire the minds of their patients with gratitude, respect and confidence.

SEC. 2. Every case committed to the charge of a physician should be treated with attention, steadiness and humanity. Reasonable indulgence should be granted to the mental imbecility and caprices of the sick. Secrecy and delicacy, when required by peculiar circumstances, should be strictly observed; and the familiar and confidential intercourse to which physicians are admitted in their professional visits, should be used with discretion and with the most scrupulous regard to fidelity and honor. The obligation of secrecy extends beyond the period of professional services;

none of the privacies of personal and domestic life, no infirmity of disposition or flaw of character observed during professional attendance, should ever be divulged by the physician except when he is imperatively required to do so. The force and necessity of this obligation are, indeed, so great, that professional men have, under certain circumstances, been protected in their observance of secrecy by courts of justice.

SEC. 3. Frequent visits to the sick are, in general, requisite, since they enable the physician to arrive at a more perfect knowledge of the disease,—to meet promptly every change which may occur, and also tend to preserve the confidence of the patient. But unnecessary visits are to be avoided, as they give useless anxiety to the patient, tend to diminish the authority of the physician, and render him liable to be suspected of interested motives.

SEC. 4. A physician should not be forward to make gloomy prognostications, because they savor of empiricism, by magnifying the importance of his services in the treatment or cure of the disease, but he should not fail, on proper occasions, to give to the friends of the patient timely notice of danger when it really occurs; and even to the patient himself, if absolutely necessary. This office, however, is so peculiarly alarming when executed by him, that it ought to be declined whenever it can be assigned to any other person of sufficient judgment and delicacy. For the physician should be the minister of hope and comfort to the sick; that by such cordials to the drooping spirit, he may smooth the bed of death, revive expiring life, and counteract the depressing influence of those maladies which often disturb the tranquillity of the most resigned in their last moments. The life of a sick person can be shortened not only by the acts, but also by the words or the manner of a physician. It is, therefore, a sacred duty to guard himself carefully in this respect, and to avoid all things which have a tendency to discourage the patient and to depress his spirits.

SEC. 5. A physician ought not to abandon a patient be-

cause the case is deemed incurable ; for his attendance may continue to be highly useful to the patient, and comforting to the relatives around him, even in the last period of a fatal malady, by alleviating pain and other symptoms, and by soothing mental anguish. To decline attendance under such circumstances, would be sacrificing to fanciful delicacy and mistaken liberality, that moral duty which is independent of and far superior to all pecuniary consideration.

SEC. 6. Consultations should be promoted in difficult or protracted cases, as they give rise to confidence, energy, and more enlarged views in practice.

SEC. 7. The opportunity which a physician not unfrequently enjoys of promoting and strengthening the good resolutions of his patients, suffering under the consequences of vicious conduct, ought never to be neglected. His counsels, or even remonstrances, will give satisfaction, not offense, if they be proffered with politeness, and evince a genuine love of virtue, accompanied by a sincere interest in the welfare of the person to whom they are addressed.

ART. II.—*Obligations of Patients to their Physicians.*

SECTION 1. The members of the medical profession, upon whom is enjoined the performance of so many important and arduous duties towards the community, and who are required to make so many sacrifices of comfort, ease and health, for the welfare of those who avail themselves of their services, certainly have a right to expect and require that their patients should entertain a just sense of the duties which they owe to their medical attendants.

SEC. 2. The first duty of a patient is, to select as his medical adviser one who has received a regular professional education. In no trade or occupation do mankind rely on the skill of an untaught artist ; and in medicine, confessedly the most difficult and intrinsic of the sciences, the world ought not to suppose that knowledge is intuitive.

SEC. 3. Patients should prefer a physician whose habits of life are regular, and who is not devoted to company, pleas-

ure, or to any pursuit incompatible with his professional obligations. A patient should also confide the care of himself and family, as much as possible, to one physician ; for a medical man who has become acquainted with the peculiarities of constitution, habits and predispositions of those he attends is more likely to be successful in his treatment than one who does not possess that knowledge.

A patient who has thus selected his physician should always apply for advice in what may appear to him trivial cases, for the most fatal results often supervene on the slightest accidents. It is of still more importance that he should apply for assistance in the forming stage of violent diseases ; it is to a neglect of this precept that medicine owes much of the uncertainty and imperfection with which it has been reproached.

SEC. 4. Patients should faithfully and unreservedly communicate to their physician the supposed cause of their disease. This is the more important, as many diseases of a mental origin simulate those depending on external causes, and yet are only to be cured by ministering to the mind diseased. A patient should never be afraid of thus making his physician his friend and adviser ; he should always bear in mind that a medical man is under the strongest obligations of secrecy. Even the female sex should never allow feelings of shame or delicacy to prevent their disclosing the seat, symptoms and causes of complaints peculiar to them. However commendable a modest reserve may be in the common occurrences of life, its strict observance in medicine is often attended with the most serious consequences, and a patient may sink under a painful and loathsome disease, which might have been readily prevented had timely intimation been given to the physician.

SEC. 5. A patient should never weary his physician with a tedious detail of events or matters not appertaining to his disease. Even as relates to his actual symptoms, he will convey much more real information by giving clear answers to interrogatories, than by the most minute account of his

own framing. Neither should he obtrude upon his physician the details of his business nor the history of his family concerns.

SEC. 6. The obedience of a patient to the prescriptions of his physician should be prompt and implicit. He should never permit his own crude opinions as to their fitness, to influence his attention to them. A failure in one particular may render an otherwise judicious treatment dangerous, and even fatal. This remark is equally applicable to diet, drink and exercise. As patients become convalescent, they are very apt to suppose that the rules prescribed for them may be disregarded, and the consequence, but too often, is a relapse. Patients should never allow themselves to be persuaded to take any medicine whatever, that may be recommended to them by the self-constituted doctors and doctresses who are so frequently met with, and who pretend to possess infallible remedies for the cure of every disease. However simple some of their prescriptions may appear to be, it often happens that they are productive of much mischief, and in all cases they are injurious, by contravening the plan of treatment adopted by the physician.

SEC. 7. A patient should, if possible, avoid even the *friendly visits of a physician* who is not attending him; and when he does receive them, he should never converse on the subject of his disease, as an observation may be made without any intention of inference, which may destroy his confidence in the course he is pursuing, and induce him to neglect the directions prescribed to him. A patient should never send for a consulting physician without the express consent of his own medical attendant. It is of great importance that physicians should act in concert; for, although their modes of treatment may be attended with equal success when employed singly, yet conjointly they are very likely to be productive of disastrous results.

SEC. 8. When a patient wishes to dismiss his physician, justice and common courtesy require that he should declare his reasons for so doing.

SEC. 9. Patients should always, when practicable, send for their physician in the morning, before his usual hour of going out; for, by being early aware of the visit he has to pay, during the day, the physician is able to apportion his time in such a manner as to prevent an interference of engagements. Patients should also avoid calling on their medical adviser unnecessarily during the hours devoted to meals or sleep. They should always be in readiness to receive the visits of their physician, as the detention of a few minutes is often of serious inconvenience to him.

SEC. 10. A patient should, after his recovery, entertain a just and enduring sense of the value of the services rendered him by his physician; for these are of such a character, that no mere pecuniary acknowledgment can repay or cancel them.

OF THE DUTIES OF PHYSICIANS TO EACH OTHER, AND THE PROFESSION AT LARGE.

ART. I.—*Duties for the support of Professional Character.*

SEC. 1. Every individual, on entering the profession, as he becomes thereby entitled to all its privileges and immunities, incurs an obligation to exert his best abilities to maintain its dignity and honor, to exalt its standing, and to extend the bounds of its usefulness. He should, therefore, observe strictly such laws as are instituted for the government of its members,—should avoid all contumelious and sarcastic remarks relative to the Faculty, as a body; and while, by unwearied diligence, he resorts to every honorable means of enriching the science, he should entertain a due respect for his seniors, who have, by their labors, brought it to the elevated condition in which he finds it.

SEC. 2. There is no profession, from the members of which greater purity of character and a higher standard of moral excellence are required, than the medical; and to attain such eminence, is a duty every physician owes alike to his profession and to his patients. It is due to the latter, as

without it he can not command their respect and confidence ; and to both, because no scientific attainments can compensate for the want of correct moral principles. It is also incumbent upon the Faculty to be temperate in all things, for the practice of physic requires the unremitting exercise of a clear and vigorous understanding ; and, on emergencies, for which no professional man should be unprepared, a steady hand, an acute eye, and an unclouded head may be essential to the well-being, and even to the life of a fellow creature.

SEC. 3. It is derogatory to the dignity of the profession to resort to public advertisements or private cards or hand-bills, inviting the attention of individuals affected with peculiar diseases—publicly offering advice and medicine to the poor gratis, or promising radical cures ; or to publish cases and operations in the daily prints, or suffer such publications to be made ; to invite laymen to be present at operations ; to boast of cures and remedies ; to adduce certificates of skill and success, or to perform any other similar acts. These are the ordinary practices of empirics, and are highly reprehensible in a regular physician.

SEC. 4. Equally derogatory to professional character is it, for a physician to hold a patent for any surgical instrument, or medicine ; or to dispense a secret *nostrum*, whether it be the composition or exclusive property of himself or of others ; for, if such nostrum be of real efficacy, any concealment regarding it is inconsistent with beneficence and professional liberality ; and, if mystery alone give it value and importance, such craft implies either disgraceful ignorance, or fraudulent avarice. It is also reprehensible for physicians to give certificates attesting the efficacy of patent or secret medicines, or in any way to promote the use of them.

ART. II.—*Professional services of Physicians to each other.*

SECTION 1. All practitioners of medicine, their wives, and their children while under parental care, are entitled to the gratuitous services of any one or more of the Faculty residing near them, whose assistance may be desired. A physi-

cian afflicted with disease is usually an incompetent judge of his own case; and the natural anxiety and solicitude which he experiences at the sickness of a wife, a child, or any one who, by the ties of consanguinity, is rendered peculiarly dear to him, tend to obscure his judgment, and produce timidity and irresolution in his practice. Under such circumstances, medical men are peculiarly dependent upon each other, and kind offices and professional aid should always be cheerfully and gratuitously afforded. Visits ought not, however, to be obtruded officiously; as such unasked civility may give rise to embarrassment, or interfere with that choice on which confidence depends. But if a distant member of the Faculty, whose circumstances are affluent, request attendance, and an honorarium be offered, it should not be declined; for no pecuniary obligation ought to be imposed, which the party receiving it would wish not to incur.

ART. III.—*Of the duties of Physicians as respects vicarious offices.*

SECTION 1. The affairs of life, the pursuit of health, and the various accidents and contingencies to which a medical man is peculiarly exposed, sometimes require him temporarily to withdraw from his duties to his patients, and to request some of his professional brethren to officiate for him. Compliance with this request is an act of courtesy, which should always be performed with the utmost consideration for the interest and character of the family physician, and when exercised for a short period, all the pecuniary obligations for such service should be awarded to him. But if a member of the profession neglect his business in quest of pleasure and amusement, he can not be considered as entitled to the advantages of the frequent and long-continued exercise of this fraternal courtesy, without awarding to the physician who officiates the fees arising from the discharge of his professional duties.

In obstetrical and important surgical cases, which give rise to unusual fatigue, anxiety, and responsibility, it is just that

the fees accruing therefrom should be awarded to the physician who officiates.

ART. IV.—*Of the duties of physicians in regard to consultations.*

SECTION 1. A regular medical education furnishes the only presumptive evidence of professional abilities and acquirements, and ought to be the only acknowledged right of an individual to the exercise and honors of his profession. Nevertheless, as in consultations, the good of the patient is the sole object in view, and this is often dependent on personal confidence, no intelligent regular practitioner, who has a license to practice from some Medical Board of known and acknowledged respectability, recognized by this Association, and who is in good moral and professional standing in the place in which he resides, should be fastidiously excluded from fellowship, or his aid refused in consultation, when it is requested by the patient. But no one can be considered as a regular practitioner or a fit associate in consultation, whose practice is based on an exclusive dogma, to the rejection of the accumulated experience of the profession, and of the aids actually furnished by anatomy, physiology, pathology, and organic chemistry.

SEC. 2. In consultations, no rivalry or jealousy should be indulged; candor, probity, and all due respect should be exercised towards the physician having charge of the case.

SEC. 3. In consultations, the attending physician should be the first to propose the necessary questions to the sick; after which the consulting physician should have the opportunity to make such further inquiries of the patient as may be necessary to satisfy him of the true nature of the case. Both physicians should then retire to a private place for deliberation, and the one first in attendance should communicate the directions agreed upon to the patient or his friends, as well as any opinions which it may be thought proper to express. But no statement or discussion of it should take place before the patient or his friends, except in the presence of all the faculty attending, and by their common consent;

and no *opinions* or *prognostications* should be delivered, which are not the result of previous deliberation and concurrence.

SEC. 4. In consultations, the physician in attendance should deliver his opinion first; and when there are several consulting, they should deliver their opinions in the order in which they have been called in. No decision, however, should restrain the attending physician from making such variations in the mode of treatment as any subsequent unexpected change in the character of the case may demand. But such variation, and the reasons for it, ought to be carefully detailed at the next meeting in consultation. The same privilege belongs also to the consulting physician, if he is sent for in an emergency, when the regular attendant is out of the way, and similar explanations must be made by him at the next consultation.

SEC. 5. The utmost punctuality should be observed in the visits of physicians when they are to hold consultation together, and this is generally practicable, for society has been considerate enough to allow the plea of a professional engagement to take precedence of all others, and to be an ample reason for the relinquishment of any present occupation. But, as professional engagements may sometimes interfere and delay one of the parties, the physician who first arrives should wait for his associate a reasonable period, after which the consultation should be considered as postponed to a new appointment. If it be the attending physician who is present, he will, of course, see the patient and prescribe; but if he be the consulting one, he should retire, except in case of emergency, or when he has been called from a considerable distance, in which latter case he may examine the patient, and give his opinion in *writing*, and *under seal*, to be delivered to his associate.

SEC. 6. In consultations, theoretical discussions should be avoided, as occasioning perplexity and loss of time; for there may be much diversity of opinion concerning speculative points, with perfect agreement in those modes of prac-

tice which are founded, not on hypothesis, but on experience and observation.

SEC. 7. All discussions in consultation should be held as secret and confidential. Neither by words nor manner should any of the parties to a consultation assert or insinuate that any part of the treatment pursued did not receive his assent. The responsibility must be equally divided between the medical attendants—they must equally share the credit of success as well as the blame of failure.

SEC. 8. Should an irreconcilable diversity of opinion occur when several physicians are called upon to consult together, the opinion of the majority should be considered as decisive; but if the numbers be equal on each side, then the decision should rest with the attending physician. It may, moreover, sometimes happen that two physicians cannot agree in their views of the nature of a case, and the treatment to be pursued. This is a circumstance much to be deplored, and should always be avoided, if possible, by mutual concessions, as far as they can be justified by a conscientious regard for the dictates of judgment. But, in the event of its occurrence, a third physician should, if practicable, be called to act as umpire; and, if circumstances prevent the adoption of this course, it must be left to the patient to select the physician in whom he is most willing to confide. But, as every physician relies upon the rectitude of his judgment, he should, when left in the minority, politely and consistently retire from any farther deliberation in the consultation, or participation in the management of the case.

SEC. 9. As circumstances sometimes occur to render a *special consultation* desirable, when the continued attendance of two physicians might be objectionable to the patient, the member of the faculty whose assistance is required in such cases should sedulously guard against all future unsolicited attendance. As such consultations require an extraordinary portion both of time and attention, at least a double honorarium may reasonably be expected.

SEC. 10. A physician who is called upon to consult,

should observe the most honorable and scrupulous regard for the character and standing of the practitioner in attendance; the practice of the latter, if necessary, should be justified as far as it can be, consistently with a conscientious regard for truth, and no hint or insinuation should be thrown out which could impair the confidence reposed in him, or affect his reputation. The consulting physician should also carefully refrain from any of those extraordinary attentions or assiduities which are too often practiced by the dishonest for the base purpose of gaining applause, or ingratiating themselves into the favor of families and individuals.

ART. V.—*Duties of physicians in cases of interference.*

SECTION 1. Medicine is a liberal profession, and those admitted into its ranks should found their expectations of practice upon the extent of their qualifications, not on intrigue or artifice.

SEC. 2. A physician, in his intercourse with a patient under the care of another practitioner, should observe the strictest caution and reserve. No meddling inquiries should be made—no disingenuous hints given relative to the nature and treatment of his disorder; nor any course of conduct pursued that may directly or indirectly tend to diminish the trust reposed in the physician employed.

SEC. 3. The same circumspection and reserve should be observed when, from motives of business or friendship, a physician is prompted to visit an individual who is under the direction of another practitioner. Indeed, such visits should be avoided, except under peculiar circumstances; and when they are made, no particular inquiries should be instituted relative to the nature of the disease, or the remedies employed, but the topics of conversation should be as foreign to the case as circumstances will admit.

SEC. 4. A physician ought not to take charge of or prescribe for a patient who has recently been under the care of another member of the faculty in the same illness, except in cases of sudden emergency, or in consultation with the phy-

sician previously in attendance, or when the latter has relinquished the case, or been notified that his services are no longer desired. Under such circumstances, no unjust and illiberal insinuations should be thrown out in relation to the conduct or practice previously pursued, which should be justified as far as candor and regard for truth will permit; for it often happens that patients become dissatisfied when they do not experience immediate relief, and, as many diseases are naturally protracted, the want of success, in the first stage of treatment, affords no evidence of a lack of professional knowledge and skill.

SEC. 5. When a physician is called to an urgent case, because the family attendant is not at hand, he ought, unless his assistance in consultation be desired, to resign the care of the patient to the latter immediately on his arrival.

SEC. 6. It often happens, in cases of sudden illness, or of recent accidents and injuries, owing to the alarm and anxiety of friends, that a number of physicians are simultaneously sent for. Under these circumstances, courtesy, should assign the patient to the first who arrives, who should select from those present any additional assistance that he may deem necessary. In all such cases, however, the practitioner who officiates should request the family physician, if there be one, to be called, and, unless his farther attendance be requested, should resign the case to the latter on his arrival.

SEC. 7. When a physician is called to the *patient of another practitioner*, in consequence of the sickness or absence of the latter, he ought, on the return or recovery of the regular attendant, and with the consent of the patient, to surrender the case.

[The expression, "*patient of another practitioner*," is understood to mean a patient who may have been under the charge of another practitioner at the time of the attack of sickness, or departure from home of the latter, or who may have called for his attendance during his absence or sickness, or in any other manner given it to be understood that

he regarded the said physician as his regular medical attendant.]

SEC. 8. A physician, when visiting a sick person in the country, may be desired to see a neighboring patient who is under the regular direction of another physician, in consequence of some sudden change or aggravation of symptoms. The conduct to be pursued on such an occasion is to give advice adapted to present circumstances; to interfere no farther than is absolutely necessary with the general plan of treatment; to assume no future direction, unless it be expressly desired; and, in this last case, to request an immediate consultation with the practitioner previously employed.

SEC. 9. A wealthy physician should not give advice *gratis* to the affluent; because his doing so is an injury to his professional brethren. The office of a physician can never be supported as an exclusively beneficent one; and it is defrauding, in some degree, the common funds for its support, when fees are dispensed which might justly be claimed.

SEC. 10. When a physician who has been engaged to attend a case of midwifery is absent, and another is sent for, if delivery is accomplished during the attendance of the latter, he is entitled to the fee, but should resign the patient to the practitioner first engaged.

ARTICLE VI.—*Of differences between physicians.*

SECTION 1. Diversity of opinion and opposition of interest, may, in the medical as in other professions, sometimes occasion controversy and even contention. Whenever such cases unfortunately occur, and can not be immediately terminated, they should be referred to the arbitration of a sufficient number of physicians, or a *court-medical*.

SEC. 2. As a peculiar reserve must be maintained by physicians towards the public, in regard to professional matters, and as there exist numerous points in medical ethics and etiquette through which the feelings of medical men may be painfully assailed in their intercourse with each other, and

which can not be understood or appreciated by general society, neither the subject-matter of such differences nor the adjudication of the arbitrators should be made public, as publicity in a case of this nature may be personally injurious to the individuals concerned, and can hardly fail to bring discredit on the faculty.

ARTICLE VII.—*Of pecuniary acknowledgments.*

Some general rules should be adopted by the faculty, in every town or district, relative to *pecuniary acknowledgments* from their patients; and it should be deemed a point of honor to adhere to these rules with as much uniformity as varying circumstances will admit.

OF THE DUTIES OF THE PROFESSION TO THE PUBLIC, AND OF THE OBLIGATIONS OF THE PUBLIC TO THE PROFESSION.

ARTICLE I.—*Duties of the profession to the public.*

SECTION 1. As good citizens, it is the duty of physicians to be ever vigilant for the welfare of the community, and to bear their part in sustaining its institutions and burdens; they should also be ever ready to give counsel to the public in relation to matters especially appertaining to their profession, as on subjects of medical police, public hygiene, and legal medicine. It is their province to enlighten the public in regard to quarantine regulations—the location, arrangement and dietaries of hospitals, asylums, schools, prisons, and similar institutions—in relation to the medical police of towns, as drainage, ventilation, &c.—and in regard to measures for the prevention of epidemic and contagious diseases; and when pestilence prevails, it is their duty to face the danger, and to continue their labors for the alleviation of the suffering, even at the jeopardy of their own lives.

SEC. 2. Medical men should also be always ready, when called on by the legally constituted authorities, to enlighten coroners' inquests, and courts of justice, on subjects strictly medical—such as involve questions relating to sanity, legiti

macy, murder by poisons or other violent means, and in regard to the various other subjects embraced in the science of Medical Jurisprudence. But in these cases, and especially where they are required to make a *post-mortem* examination, it is just, in consequence of the time, labor, and skill required, and the responsibility and risk they incur, that the public should award them a proper honorarium.

SEC. 3. There is no profession, by the members of which eleemosynary services are more liberally dispensed, than the medical; but justice requires that some limits should be placed to the performance of such good offices. Poverty, professional brotherhood, and certain of the public duties referred to in the first section of this article, should always be recognized as presenting valid claims for gratuitous services; but neither institutions endowed by the public or by rich individuals, societies for mutual benefit, for the insurance of lives or for analogous purposes, nor any profession or occupation, can be admitted to possess such privilege. Nor can it be justly expected of physicians to furnish certificates of inability to serve on juries, to perform military duty, or to testify to the state of health of persons wishing to insure their lives, obtain pensions or the like, without a pecuniary acknowledgment. But to individuals in indigent circumstances, such professional services should always be cheerfully and freely accorded.

SEC. 4. It is the duty of physicians, who are frequent witnesses of the enormities committed by quackery, and the injury to health and even destruction of life caused by the use of quack medicines, to enlighten the public on these subjects, to expose the injuries sustained by the unwary from the devices and pretensions of artful empirics and imposters. Physicians ought to use all the influence which they may possess, as Professors in Colleges of Pharmacy, and by exercising their option in regard to the shops to which their prescriptions shall be sent, to discourage druggists and apothecaries from vending quack or secret medi-

cines, or from being in any way engaged in their manufacture and sale.

ARTICLE II.—*Obligations of the public to physicians.*

SECTION 1. The benefits accruing to the public, directly and indirectly, from the active and unwearied beneficence of the profession, are so numerous and important, that physicians are justly entitled to the utmost consideration and respect from the community. The public ought likewise to entertain a just appreciation of medical qualifications; to make a proper discrimination between true science and the assumption of ignorance and empiricism—to afford every encouragement and facility for the acquisition of medical education—and no longer to allow the statute-books to exhibit the anomaly of exacting knowledge from physicians, under a liability to heavy penalties, and of making them obnoxious to punishment for resorting to the only means of obtaining it.

Resolved, That this Association recognize Specialties as proper and legitimate fields of practice.

Resolved, That Specialties shall be governed by the same rules of professional etiquette as have been laid down for general practitioners.

Resolved, That it shall not be proper for Specialists publicly to advertise themselves as such, or to assume any title not specially granted by a regularly chartered college. (See Transactions of Am. Med. Asso. vol. xx.)

AN ORDINANCE IN RELATION TO FEE BILLS.

WHEREAS, In some localities there may be more than one medical society, or members of the medical profession not members of any society, who are equally interested in the objects for which fee-bills are made; therefore

Be it ordained by the Medical Association of the State of Alabama, That for County Medical Societies in this State to undertake, in any way, the regulation of charges for medical services, is unwise and impolitic in itself, and likely to result in some disturbance of the harmonious relations which ought to subsist between the members of the societies and the members of the profession outside of the societies; and this because the regulation of professional charges belongs of right, and from immemorial times, and according

to the most natural construction of the Code of Ethics, to the medical profession as such, and not to special medical organizations.

COMMENTARIES AND EXPLANATIONS.

The foregoing Ordinance in relation to fee-bills was passed at the annual session of the Association held in Birmingham in 1877.

In order that it may be fairly understood, the argument which was submitted in connection with it by Dr. Jerome Cochran is here appended :

EXPLANATORY REMARKS.

There is hardly any other question in connection with the practice of medicine that has more frequently lead to the disturbance of professional harmony than the question of medical fees.

The principle of commercial competition, which has been accepted in so many of the departments of human industry and enterprise, as perfectly legitimate in the regulation of prices, has been held by the learned professions of all ages and countries as dishonorable and degrading. In the medical profession, especially, it has always been regarded as in the highest degree disreputable for physicians to seek to acquire popular reputation and to attract practice by offering to the community the inducement of low fees ; and this, too, not because physicians have thought it to be legitimate to speculate in human suffering, and to convert the hopes and fears of their patrons into instruments of extortion. On the contrary, it has always been a maxim of the profession that the poor also were entitled to the benefit of their ministrations as well as the rich ; and the physician's skill has never been rated at inflexible fixed prices like commodities that are sold in the market. "The poor," says Boerhaave, "are the best customers, because God will be the paymaster ;" and amongst all of the older writers on medical ethics, we find that any compensation which a physician receives, is mentioned rather as an honorarium freely bestowed, than as debt collected. Indeed, it has been the rule with some of the most illustrious members of the profession never to make out bills, or to fix any specific price upon their services. This is said to have been the case with Sir Astley Cooper, the most successful of English surgeons ; and with Von Graefe, the great German oculist, recently deceased ; both of whom were accustomed to leave the question of compensation to be settled by the gratitude and generosity of their patients.

I quote here, as entirely suited to the object I have in view, a paragraph from the very excellent code of ethics adopted by the New York State Medical Society in 1823, as follows :

"The fees for the compensation of medical services are regulated by the value of currency and the price of necessities in different countries and cities ; by the customs approved and established among experienced and reputable practitioners, and sometimes by a recorded rate of charges such as individuals belonging to any trade or profession adopt by general consent. It must be recollected, however, that this last mode has been forbidden physi-

cians and surgeons, in their corporate capacity, by a resolution of the State Medical Society of New York, in the year 1817. This is in conformity to the common law of England, according to which services rendered by advice cannot constitute a pecuniary debt, and much less in the medical profession, which "is too honorable," said a chief justice of that country, (Lord Erskine) "to be subjected to a defined rate of charges." It follows, from this, that medical services are not legally entitled to remuneration, except for the employment of time, medicines and personal labor in attending upon the sick. But public opinion in a civilized nation, and among the more enlightened classes of society, will always highly estimate and liberally compensate medical services."

The principle here stated as the common law of England, became, of course, the common law of the English colonies in America, and remained the common law in many of these colonies after they became States of the American Union. We Americans, however, are a progressive people, and in the course of time many of the antique fashions and conservative principles of our English ancestors were thrown aside, this amongst the number. Medical colleges multiplied apace in the land, and the multiplication of colleges led, very naturally, to the multiplication of doctors, and the declension of the standard of qualification. Not to go into the details of this retrogressive movement, it is sufficient to say that the evil influence at work soon went far towards the degradation of a liberal profession into a trade; and led, amongst other things, to enactment by most, perhaps by all, of the States, of statute laws enabling doctors to collect medical bills in the courts according to the rates of charges common in the localities where the practice is done.

For myself, although the declaration will no doubt appear eccentric to the members of this Association, I have no hesitation to avow my own preference for the old common law system, as being much nobler than the system of our American Statutes. As Sir Benjamin Brodie has expressed it, "Medicine is one of the noblest of the professions, but the worst of all possible trades;" and whatever has a tendency to assimilate medicine to the level of the trades, has a tendency to demoralize it.

But this, although illustrative of the principles upon which our discussion must proceed, is still somewhat of a digression. Let us return to the subject more immediately in hand.

The rule at present in force in this country in relation to medical fees is that contained in Article VII of the Code of Ethics of the American Medical Association. It is in the words following:

"Some general rules should be adopted by the faculty, in every town or district, relative to *pecuniary acknowledgments* from their patients; and it should be deemed a point of honor to adhere to these rules with as much uniformity as varying circumstances will admit."

The language of this section seems to be advisory, rather than mandatory. This is true, also, of all the provisions of the Code of Ethics—the measure of obligation being always expressed by 'ought,' or 'should'—never by 'must' or 'shall.' Shall, indeed, occurs once or twice in the Code; and 'must'

about three times ; but only in subordinate clauses and to avoid circumlocution.

The object of the Code seems to be to make a statement of principles, which are of obligation, not simply because they have been endorsed by the profession, although this endorsement goes for something too, but chiefly because of their inherent propriety and righteousness.

But whether this provision be construed as mandatory, or as advisory, it does not necessarily imply the adoption of a formal schedule of charges, such as we find in what we call our fee bills. Any general agreement, whether tacit or expressed, no matter how arrived at, and no matter how flexible, or how inflexible, it may be, is sufficient to fulfill the requirements of the code. As a matter of fact, fee bills have never been practicable at all in large cities ; have never been much needed in country neighborhoods ; and have been mostly patronized in small towns and in country villages. In my opinion, they have never been of much advantage anywhere. The rigorous uniformity of charges which they are intended to establish is always and everywhere impossible of accomplishment—impossible in the nature of things, and impossible because there are unreliable men in the medical as well as in other professions. In settling accounts for medical services physicians are obliged, by laws of higher obligation than the provisions of fee bills, to consider the financial condition of their patients ; and in the feverish struggle for practice, which is but too often also, a struggle for bread, there are always men who will take unfair advantages.

I do not believe that any fee bill was ever exactly observed ; and I will say also that I do not believe that there ever has been a fee bill that ought to have been exactly observed. Indeed, the disadvantages in many directions of these procrustean devices are so many and so obvious, that they would long ago have fallen into complete disuse, but for the fact, that notwithstanding failure heaped upon failure, like Pelion upon Ossa, stares them everywhere in the face, physicians still entertain the delusive hope that in some way, by some cunning manipulation of professional charges, they can make additions—additions most devoutly desired—to their scanty professional incomes. They might as well try to lift themselves up to the moon by pulling at the tugs of their boots.

The evils they desire to remove are not to be reached in this way. A demoralized professional sentiment, added to a still more demoralized public sentiment, must of necessity lead to many unpleasant consequences.

For these there is but one remedy, and that remedy is not to be found in any miraculous powers attaching to idle resolutions, and to schedules of fees, no matter how adroitly contrived.

Nay, verily. The true remedy, the only true remedy, will then be found when the medical profession is purified of the dross and alloy which it contains in its own membership, when it comes to be a company of high-toned, honorable men.

But while I have gone somewhat out of my way to expose the inherent weaknesses of our prevalent fee bill system, I do not forget that in many lo-

calities it is regarded as the only available way of carrying out the injunctions of that article of the Code of Ethics which I have quoted, and that to the average American doctor, indeed, the thought never occurs that uniformity of professional charges can be obtained in any other way than by the promulgation of a fee bill. I take it for granted, therefore, that for some time to come fee bills must be more or less accepted amongst us as necessary evils.

But while this question of medical fees and fee bills must continue to vex the medical profession, as such, there is no reason why it should be allowed to introduce discord into our medical organizations, and to embarrass them in their relations with the profession and with the non-professional public. It is to prevent these discords and embarrassments that I venture to ask that the Association give its endorsement to the ordinance which I have presented for its consideration.

I know that it has been the custom for medical societies in this State to adopt fee bills for the guidance of their members. But in my judgment this has always been a custom of questionable propriety, and one that is far more honored in the breach than in the observance. It certainly finds no warrant in the Code of Ethics.

The Code of Ethics, indeed, ignores medical societies altogether. All of its provisions, from the first to the last, are intended for the behoof of the medical profession, as such, and for individual physicians simply as members of the medical profession.

The relations which exist, and which of right ought to exist, between the medical profession and the numerous medical societies which have sprung up in its bosom, is a problem which deserves more consideration than it has heretofore received, but it is one that I cannot now undertake to discuss.

It is not upon medical societies that the Code imposes the obligation of regulating fees, but upon the "faculty of the town or district," and the word "faculty" is always used in the Code as a short designation for the collective medical profession. So that it seems plain to me that when medical societies undertake to enact fee bills, they place themselves in direct antagonism with the profession's fundamental law.

But still further. The end aimed at by the provisions of the Code of Ethics which I have quoted, is obviously to secure uniformity of charges in every town or district; and consequently any mode of procedure in the adoption of a fee bill which is calculated to defeat the accomplishment of this end, would be, on that account, inconsistent with the spirit of the Ethics.

Now, it is evident that if a portion of the faculty in any town or district should adopt a schedule of charges without consultation with the rest of the faculty in said town or district, they would, by such exclusive action, furnish to the excluded party just cause of complaint, and at the same time subject themselves to the imputation of failing in the proper discharge of the duties which physicians owe to each other and to the profession at large.

Again. If one medical society has the right to adopt a fee bill, another medical society might also adopt a fee bill; and if there should be twenty medical societies in the same town or district, then every one of the twenty

might also enact a fee bill ; and no matter how widely these several fee bills might differ among themselves, they would all be equally legitimate.

And still again. If medical societies are entitled to the prerogative of making fee bills, then any other bodies of physicians may also assume the right to make fee bills, and it does not matter, so far as the principle is concerned, whether these bodies be large or small. The physicians of any town or district might, therefore, get together in little squads of ten or twelve, or of five or six, or even of two or three, and every separate squad would have the ethical privilege of adopting for itself special rates of charges. Indeed, if this reasoning is to be allowed, every individual member of the profession might consistently claim the right to make his own fee bills according to his own will and pleasure.

In the smoke of this *reductio ad absurdum*, the authority of the Ethics is blotted out, and the result is the same as if there existed no ethical rule at all. From all these considerations, it seems to me that there is no safe position to be taken upon this subject, except the plain and simple rule of construction, that the provision of the Ethics in relation to pecuniary acknowledgments means exactly what it says, and nothing else, namely, that professional charges should be regulated by the "faculty, in every town or district," and not by separate sections of the faculty, whether these separate sections be large or small, or whether they be organized into medical societies or not.

But it is not alone upon the grounds of the abstract and general propriety of the principles which I have developed in the foregoing discussion, that I invoke the favorable consideration of the Association for the ordinance that I have presented, although this general argument seems to me to be quite conclusive. Some of the evils which I have indicated as possible, when medical societies undertake the regulation of fee bills have already, and in the State of Alabama, passed from the region of possibilities into the region of actualities, into the region of accomplished facts. It would, perhaps, serve no good purpose to make a record of these cases here, but some of them are known to some of the members of this Association. This question, therefore, has become one of present and practical importance, and it is therefore eminently proper that this Association should take it in hand and settle it so far as the State of Alabama is concerned.

In at least one other State, as has been indicated in another part of this paper, it has been settled already—namely, in the great State of New York.

Of the special circumstances which led the Medical Society of the State of New York to consider this question, I have no knowledge whatever. But that they were regarded as of very great importance is evident from the character of the action which was taken in the premises, namely, the insertion of a very remarkable clause in the Society's Constitution.

This clause I quote *verbatim*, as follows :

"WHEREAS, it is inconsistent with the dignity of the medical profession for physicians and surgeons, in their corporate capacities, to arrange and fix professional charges—

Be it therefore ordained, That any member of this Society who shall hereafter

be guilty of promoting, favoring or encouraging the members of any medical society in their corporate capacity, to form, support and fix medical charges, and who shall be convicted thereof before the said society, at any anniversary meeting, to the satisfaction of a majority of the members present, shall forever after be debarred from being received as a member thereof.

And be it further ordained, That no corporate county Medical Society shall fix any medical charges, and such proceedings are hereby declared to be discountenanced by this Society, and to be null and void and of no effect."

CHAPTER VI.

THE LAWS OF ALABAMA BEARING UPON QUESTIONS OF PUBLIC HEALTH.

For the convenience of every body concerned, all the sections of the Revised Code (1876) of Alabama which have any bearing upon question of public health, are hereby subjoined with the proper references :

THE POWERS OF COUNTY COMMISSIONERS.

§ 746 (832). *Authority of the court.*—It has authority—

1. To direct and control the property of the county, as it may deem expedient, according to law.

2. To levy a general tax, for general, and a special tax, for particular county purposes, according to the provisions of this Code, and may direct the tax collector to receive in payment thereof current coin or bank bills.

3. To examine, settle, and allow all accounts and claims chargeable against the county.

4. To examine and audit the accounts of all officers having the care, management, collection or disbursement of money belonging to the county, or appropriated for its use and benefit.

5. To make such rules and regulations for the support of the poor in the county as are not inconsistent with any law of the State.

6. To punish for contempt by fine, not exceeding ten dollars, and imprisonment not exceeding six hours.

7. To exercise such other powers as are or may be given it by the laws of this State.

HEALTH, NUISANCES, AND QUARANTINE.

§ 1505 (1208). *Nuisances to health; strangers with contagious diseases.*—When any health officer in any town makes complaint, on oath, that there is good cause of suspicion or belief, that there is on any lot, or in any house in such town, or in any vessel within the limits, or in the vicinity thereof, any cause of disease or infection, necessary to be destroyed or removed, or one or more persons, not in his own place of residence, infected with a dangerous contagious disease, and that he has been refused admittance into such house, lot, or vessel, any justice of the corporation or of the county, in which such house, lot, or vessel is, may issue his warrant, directed to the sheriff, marshal, constable, or other executive officer of such town, requiring him to enter such house, lot, or vessel, and, under the direction of such health officer, to remove such infected person, or to remove or destroy such source of infection or disease.

§ 1506 (1209). *Warrant, how executed; pay for nursing, &c.*—To execute such warrant, any outer or inner door may be forced in the day time, and all expenses incurred in executing the provisions of the preceding section, and for maintaining, nursing and curing any person removed under the provisions

of this chapter, must be paid by such person, or by the owner of the house, lot, or vessel, as the case may be; or if such person or owner is a married woman, by her husband; if a minor, by his parent or guardian; and if not so paid, then by the town in which they were incurred; the person by whom such expenses should have been paid being liable to such town for the amount thereof.

§ 1507 (1210). *Quarantine ground; assent of county commissioners requisite, if without town limits*.—Any town may establish a quarantine ground therefor; but if the place fixed upon for that purpose is without the limits of such town, the assent of the court of county commissioners of the county in which such place is, must first be obtained.

§ 1508 (1211). *Regulations*.—The corporate authorities of such town may, from time to time, prescribe the quarantine to be observed by all vessels arriving within the harbor or vicinity of such town, and regulations therefor, not contrary to law.

§ 1509 (1212). *Regulations extend to persons and goods arriving in, and going on board vessels*.—Such regulations may extend to all persons, goods and effects arriving in such vessel, and to all persons going on board of the same.

§ 1510 (1214). *Vessels quarantined*.—The health officer of such town may, under the direction of the corporate authorities, cause any vessel arriving therein or in the vicinity, if the vessel or cargo is, in his opinion, so foul or infected as to endanger the public health, to be removed to the quarantine ground or other proper place, to be purified.

§ 1511 (1217). *Escapes from quarantine*.—If any person ordered to perform quarantine escapes, any justice on complaint thereof on oath, must issue his warrant to the sheriff, constable, or town marshal, to arrest and deliver such person to the custody of the officers of the quarantine; and any such person attempting to escape may be forcibly detained at the place of quarantine by such officers.

§ 1512 (1218). *Travelers by land from infected district may be compelled to perform quarantine; breach; penalty*.—Any person coming into town, by land, from a place infected with a contagious disease, may be compelled to perform quarantine by the health officer, and restrained from traveling until discharged.

§ 1513 (1219). *Expenses of quarantine*.—All expenses incurred by any town, on account of any person, vessel or goods, under quarantine regulations, must be paid or reimbursed by such person; or in case of a vessel, or goods, by the owner thereof; and the town may detain such vessel, or goods, until such expenses are paid.

§ 1514 (1221). *Town defined*.—The word "town" in this chapter includes a city.

§ 1515 (1222). *Authority of courts of county commissioners*.—Courts of county commissioners with respect to quarantine and the establishment of hospitals for persons infected with contagious diseases, have the same authority which, under this chapter, towns have, and such courts may establish such hospitals, and make such rules and regulations as they may deem necessary to prevent the spread of contagious or infectious diseases, and appoint such guards and superintendents as may be necessary to effect their object.

BOARDS OF HEALTH.

§ 1536.—*Medical Association of State constituted board of health of State*.—The Medical Association of the State of Alabama, organized in accordance with the provisions of the Constitution which was adopted by the Association at its annual meeting, in the city of Tuscaloosa, in March, 1873, is constituted the board of health of the State of Alabama.

§ 1537. *What the board shall do; medical advisers of State*.—The board of health of the State of Alabama shall take cognizance of the interests of health

and life among the people of the State; shall investigate the causes and means of prevention of endemic and epidemic diseases; shall investigate the influences of localities and employments upon the public health; shall, from time to time, make to the General Assembly such suggestions as to legislative action as, in their judgment, may seem advisable; and shall be in all ways the medical advisers of the State.

§ 1538. *Reports made to Governor; their publication and distribution.*—The board of health of Alabama shall make to the Governor, for transmission to the General Assembly, an annual report of their investigations and transactions, of which annual report there shall be published, as other reports transmitted through the Governor to the General Assembly, a sufficient number of copies for distribution among the members of the General Assembly and the members of the board of health of the State of Alabama, and such additional numbers as may be deemed advisable for the purpose of exchanging for reports of similar associations in other States.

§ 1539. *County boards of health.*—The County Medical Societies in affiliation with the Medical Association of the State of Alabama, and organized in accordance with the provisions of its constitution, are constituted boards of health for their respective counties, and as such shall be under the general direction of the board of health of the State of Alabama.

§ 1540. *Powers of county boards.*—The county boards of health thus established shall have only advisory powers, and shall be conducted without expense to the State, or to their respective counties, except under the condition provided for under the section following.

§ 1541. *County, city or town may invest county board with powers.*—The competent legal authority of any county in this State, or of any incorporated town or city of any such county, shall, whenever, in their judgment, it becomes expedient to do so, invest the board of health of the county with such executive powers and duties for the promotion of the public health, and under such rules and stipulations as may be agreed upon between the two parties.

§ 1542. *Sanitary regulations reserved to county boards; salaries, &c., to county, city or town.*—In any such agreement as is contemplated in the preceding section, the right to elect or appoint the officers and servants employed in the administration of the sanitary regulations so agreed upon, shall, in all cases, be reserved to the board of health; and all questions relating to salaries, appropriations and expenditures, shall be reserved to the legal authorities of the county, town or city.

§ 1543. *No other board for public health functions established by law in county, city or town; right of modification and repeal reserved.*—No board of health, nor advisory nor executive medical body of any name or kind, for the exercise of public health functions, shall be established by authority of law in any county, town or city of this State, except such as is contemplated by the provisions of this chapter; but nothing in this chapter shall be so construed as to prevent any of the boards of health created herein from accepting and executing any special powers that may be granted them by the General Assembly of this State. But this chapter may be changed, modified or repealed at any time, at the pleasure of the General Assembly of this State.

PENALTIES FOR VIOLATING QUARANTINE.

§ 4223 (1213). *Penalty for violation of quarantine regulations of ships and vessels.*—If any person violate the regulations prescribed by the corporate authorities of any town or city in relation to vessels arriving in the harbor or in the vicinity of such town or city, after notice thereof has been given for five days in some newspaper printed in such town, or when there is none, by notice posted up at some public place therein for the same length of time, he

is guilty of a misdemeanor, and, on conviction thereof, must be fined not less than fifty dollars.

§ 4224 (1215). *Refusal of information to health officer ; penalty.*—If any master, seaman, or passenger, belonging to any vessel supposed to have any infection on board, or from a port where any dangerous infectious disease prevails, refuses to answer on oath such inquiries as are made by any health officer, relating to any infection or disease, he is guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars.

§ 4225 (1216). *Breach of quarantine ; penalty.*—The master of any vessel ordered to perform quarantine, must deliver to the officer appointed to see it performed, his bill of health, and manifest, log book, and journal ; if he fail so to do, or to repair in proper time, after notice, to the quarantine ground, or departs thence without authority, he is guilty of a misdemeanor, and, on conviction, must be fined not less than two hundred dollars.

§ 4226 (1218). *Travelers by land from infected district may be compelled to perform quarantine ; breach ; penalty.*—Any person coming into town, by land, from a place infected with a contagious disease, may be compelled to perform quarantine by the health officer, and restrained from traveling until discharged ; but any person thus restrained, traveling before he is discharged, is guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars.

§ 4227 (1220). *Disposition of fines.*—All fines recovered under the three preceding sections, must be paid into the town treasury.

HOSPITALS.

§ 1504 (1207). *Hospitals established.*—The corporate authorities of any town, or the court of county commissioners of any county, may establish in such county or town, hospitals, which are subject to such regulations, not contrary to law, made by such corporate authorities, or such court.

PHYSICIANS, SURGEONS, &C.

§ 1516 (1223). *Medical boards continued.*—The medical boards and societies established by law in this State are continued.

§ 1517 (1224). *Established by court of county commissioners.*—The court of county commissioners in a county where there is no medical board, may establish one, which must be composed of not less than three nor more than seven physicians of good standing, resident in the county ; and it shall have the same authority, and discharge the same duties, and be subject to the same liabilities, as medical boards established by the General Assembly.

§ 1518 (1225). *Examine applicants.*—Such medical boards must examine all applicants for practice, and also examine their diplomas or licenses, which must in all cases be from a respectable college or institution.

§ 1519 (1226). *License ; fee.*—If found duly qualified and of good moral character, such board must grant a license to practice physic, surgery, and dental surgery, or any one or more of such branches, for which the applicant must pay five dollars for the use of the board.

§ 1520 (1227). *License ; by whom signed ; recorded ; fee.*—Such license must be signed by the president of the board, and countersigned by the secretary and judge of probate of the county in which such medical board is established ; and the name of the person, and branches in which he is licensed to practice, must be registered on his books ; for which registration such judge is entitled to a fee of fifty cents.

§ 1521 (1228). *Proof of license.*—The production of such license, or the certificate of the judge of probate that the name of such person is registered on his books as a licensed physician, surgeon, or dentist, is proof of such fact.

§ 1522 (1229). *Graduates.*—Regular graduates of medical colleges in the

United States, may practice their profession without obtaining license, and their diplomas shall be evidence of their authority to so practice.

§ 1523 (1230). *Penalty for practicing dentistry without license.*—Every person practicing dental surgery without a license from a medical board in this State, forfeits fifty dollars, one-half to the person suing for the same, the other to the use of the county.

§ 1524 (1231). *Contracts for medical services void, if doctor not licensed, &c.* Every contract, the consideration of which is founded upon services rendered as a physician, surgeon, or dentist, is void, unless the person rendering such services has obtained a license to practice in such capacity from one of the medical boards of this State, or is a graduate of some medical college in the United States.

§ 1525 (1232). *Notice to produce license.*—In any suit founded on any contract for services as a physician, surgeon, or dentist, no proof is required to be made that the person rendering such service was licensed as required, except on two days notice by the opposite party that such proof will be required on the trial.

§ 1526 (1234). *Druggists to obtain license; penalty for failure.*—All druggists in this State are required to obtain a license to deal in drugs, from some medical board in this State, or from the Medical College of Alabama; and any person violating the provisions of this section, on proof thereof, is not entitled to recover for any drugs or medicines he has sold.

§ 1527 (1236). *Botanical or Thompsonian doctors.*—The provisions of this chapter do not apply to any person practicing medicine upon the botanical or Thompsonian system.

§ 1528. *Physicians practicing regular system of medicine, must have certificate of qualification.*—No person except those proposing to practice some irregular system of medicine, shall be permitted to practice medicine in any of its branches or departments, as a profession and means of livelihood, in this State, without having obtained a certificate of qualification from some authorized board of medical examiners, as hereinafter provided.

§ 1529. *Persons practicing irregular systems of medicine, in any of its branches, as a profession, must have certificate of qualification in certain branches.*—No person shall be permitted to practice any irregular system of medicine, in any of its branches or departments, as a profession or means of livelihood, in this State, without having obtained a diploma or certificate of qualification in anatomy, physiology, chemistry and the mechanism of labor, from some authorized board of medical examiners, as hereinafter provided.

§ 1530. *Authorized boards of medical examiners.*—The Board of Censors of the Medical Association of the State of Alabama, organized according to the constitution of the Medical Association of the State of Alabama, which was adopted at its annual meeting at the city of Tuscaloosa, in March, 1873, and the boards of censors of the several county medical societies which are in affiliation with the Medical Association of the State of Alabama, and organized in accordance with the provisions of the constitution just mentioned, are constituted the authorized board of medical examiners referred to in section 1528.

§ 1531. *Standard of qualification and rules for the government of medical examiners.*—The standard of qualification required of persons desiring to practice medicine in this State, together with the rules for the government of the authorized boards of medical examiners, shall be such as may be determined, from time to time, by the Medical Association of the State of Alabama, in accordance with the provisions of the constitution of 1873.

§ 1532. *Certificate of qualification to be officially endorsed by judge of probate, and sealed with county seal; recorded; fee to judge; no fee for certificate.*—Every diploma, or certificate of qualification, authorizing any person to practice medicine in this State, which shall be issued by any authorized board of medical examiners, shall be presented to the probate judge of the county in which

such person resides, who shall officially endorse the same, and seal it with the seal of the county, and who shall also cause a full and fair copy of the same to be made in a well bound book, to be kept for that purpose, and called the Register of Licensed Practitioners of Medicine, and, for this service, he shall be entitled to a fee of one dollar; but the Medical Association, nor any board of censors in affiliation with it, shall be allowed to charge any fee for any diploma or certificate of qualification which may be granted by it.

§ 1533. *Certain physicians exempt from examination by the boards.*—All persons who shall be legally engaged in the practice of medicine in any county of this State, before the organization of the board of medical examiners in such county, all persons who, at any time, have been legally engaged in the practice of medicine in this State, and who are now authorized to practice medicine in this State, shall be entitled to the certificate of the board of medical examiners, and to be inscribed in the register of licensed practitioners of medicine, without examination as to qualification.

§ 1534. *When the provisions of the six preceding sections take effect in a county.*—The provisions of the six preceding sections shall take effect in any county of this State whenever the board of medical examiners for such county shall have been organized, as hereinbefore provided, and the fact of such organization officially communicated to the probate judge of such county by the Board of Censors of the Medical Association of the State.

§ 1535. *Females may practice midwifery without certificate, but no other branch.* None of the provisions of this chapter shall apply to females who are now, or may hereafter be, engaged in the practice of midwifery, if such females practice no other branch or department of medicine.

§ 4244. *Practicing medicine without certificate of qualification; fine; if not paid, imprisonment.*—Any person practicing medicine in this State in violation of any of the provisions of sections from 1528 to 1535, both inclusive, shall be guilty of a misdemeanor, and, upon conviction thereof before any court having competent jurisdiction, shall be fined in the sum of not more than one hundred [dollars] for every such offense, and if the fine so imposed be not immediately paid, such person shall be imprisoned in the county jail for not more than one year for every such offense.

OFFENSES AGAINST HEALTH, ADULTERATIONS, &C.

§ 4219 (3631). *Selling tainted or diseased meat.*—Any butcher, or other person, who sell, or offers or exposes for sale, or suffers his apprentice, servant, agent, or other person for him, to sell, offer, or expose for sale, any tainted, putrid or unwholesome fish or flesh, or the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased for the purpose of being sold, or offered for sale, must, on conviction, be fined not less than twenty, nor more than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

§ 4220 (3632). *Selling unwholesome bread.*—Any baker, or other person, who sells, or offers, or exposes for sale, or suffers his servant, apprentice, agent, or other person for him, to sell, offer, or expose for sale, any bread made from sour or unwholesome flour, must, on conviction, be fined not less than twenty, nor more than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

§ 4221 (3633). *Adulterating sugar, syrup, or molasses.*—Any merchant, grocer, or other person, who mixes any foreign matter or substance with sugar, syrup, or molasses, so as to deteriorate or change the quality thereof, and sells, or offers, or exposes for sale, such adulterated sugar, syrup, or molasses, or who suffers his servant, agent, or apprentice, or other person for him, so to adulterate or to sell, offer, or expose for sale, such adulterated sugar, syrup, or molasses, must, on conviction, be fined not less than twenty, nor more

than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

§ 4222 (3634). *Adulterating liquors.*—Any manufacturer, brewer, distiller, grocer, tavern-keeper, retailer of wines, or of spirituous or fermented liquors, or other person, who sells, or offers or exposes for sale, or permits his servant, apprentice, agent, or other person for him, to sell, offer, or expose for sale, any wines, or spirituous or fermented liquors, which have been adulterated by the mixture of any poisonous or unwholesome substance, must, on conviction, be fined not less than one hundred, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than twelve months.

DRUGGISTS' PENALTIES.

§ 4242 (3683). *Selling poisons without precaution to prevent accidents.*—Any druggist, apothecary, or other person who sells and delivers any poison or poisonous substance, not having the word poison written or printed on a label attached to the vial, box, or parcel in which the same is sold; or sells and delivers any tartar emetic, laudanum, or morphine, not having the common name thereof written or printed on a label attached to the vial, box, or parcel containing the same; or sells or delivers any poison or poisonous drug or substance to any apprentice, or to any child under ten years of age, without the written order of the master of such apprentice, or the parent, guardian, or person having the legal charge of such child, must, on conviction, be fined not less than fifty, nor more than three hundred dollars.

§ 4243 (1234). *Druggists to obtain license; penalty for failure.*—All druggists in this State are required to obtain a license to deal in drugs from some medical board in this State, or from the medical college of Alabama; and any person violating the provisions of this section, on proof thereof, is not entitled to recover for any drugs or medicines he has sold, and is also guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars.

FEES OF PROBATE JUDGES.

§ 5030 (3517). *Fees of judges of probate.*—Judges of probate may receive the following fees, and no other, for the services hereinafter specified:

* * * * *

For each certificate given under the chapter of this Code in relation to

“hospitals, disease, infection, and quarantine”..... .50

APPENDIX.

As tending to illustrate the spirit and purpose of the law to regulate the practice of medicine, the memorial which was presented to the General Assembly is here subjoined :

The Memorial of the Medical Association of the State of Alabama to the Honorable the Senate and the House of Representatives of the General Assembly of the State of Alabama :

The undersigned, the Board of Censors of the Medical Association of the State of Alabama, were instructed at the last annual session of said Association to present to the favorable consideration of your honorable bodies the accompanying draft of an Act to Regulate the Practice of Medicine in the State of Alabama.

In the discharge of this duty, we beg leave to make the following statements :

(1.) That the urgent need of some more efficient method for securing a higher standard of qualifications than that which at present obtains in this country as a prerequisite to the legal right to practice medicine in its several branches is generally recognized, both by the members of the medical profession itself, and by all the more intelligent and thoughtful citizens of the State who are engaged in other occupations.

(2.) That the cardinal defect of our present system is to be found in the fact that the diplomas of medical colleges, by the statute laws of the State of Alabama, and perhaps of all the other States of the American Union, carry with them the right to practice medicine and to collect fees for medical services.

(3.) That the rapid multiplication of medical colleges in this country, while it has led to the accumulation of abundant

means for the acquisition of medical knowledge, has also led to such dishonorable competition amongst the colleges, for the purpose of attracting students, that their diplomas have practically ceased to furnish any reasonable presumption of respectable professional acquirements.

(4.) That under the operation of this vicious system, the country is getting to be overrun by incompetent doctors, to the great detriment of the public welfare and to the degradation of the medical profession, thus establishing a condition of things amongst us which fully warrants the interference of the legislative authority of the State.

(5.) That the extent of this evil may be to some extent judged of, by the fact that in the German Empire, with a population of forty millions (40,000,000), the number of medical diplomas annually issued amounts to only six hundred (600); while in the United States, with a somewhat smaller population, the number of medical diplomas annually issued amounts to more than three thousand (3,000).

(6.) That it is the unanimous opinion of all those who have specially investigated this question, that the only adequate remedy for this great and growing evil, is to place the power of granting license to practice medicine in the hands of Examining Boards, which have no pecuniary interest in the success of medical colleges, and to place these Examining Boards themselves under such supervision and direction as will guarantee from them both the impartial and the efficient performance of their duties both to the medical profession and to the State.

(7.) That this principle of delegating the power of granting licenses to practice medicine exclusively to impartial, competent and responsible Examining Boards, holding their appointment from the Medical Association of the State, and acting under its direction and control, is the principle upon which is based the plan for the Regulation of the Practice of Medicine in the State of Alabama, which is herewith submitted to the consideration of the General Assembly.

(8.) That the provisions of the proposed law are of such

character that they will in no way interfere with any person who is already lawfully engaged in the practice of medicine under any system whatever—regular, irregular, or defective.

(9.) That the proposed law involves the State in no expenditure of money, neither now nor hereafter.

(10.) That the action of the law will be so gradual, that it will hardly be appreciable from year to year, and at the same time so certain and so far-reaching in its ultimate influence, that in twenty or thirty years it will thoroughly accomplish that thorough-going reformation of the medical profession which, amongst us, is so greatly to be wished.

(11.) That inasmuch as this plan will not interfere with any person who is already engaged in the practice of medicine—inasmuch as it works no wrong to any citizen of the State—inasmuch as it imposes no burthens upon the State treasury—and inasmuch as its ultimate result will be to give to the State a medical profession which it will have just cause to be proud of—for all these reasons, in the name and behalf of the Medical Association of the State, and in the name and behalf of the medical profession of the State, which we have the honor to represent, we ask for it your serious and favorable consideration.

All of which is respectfully submitted.

Signed by the Board of Censors.

AN ACT TO REGULATE THE PRACTICE OF MEDICINE IN THE STATE OF
ALABAMA.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That no person, except those proposing to practice some irregular system of medicine, shall be permitted to practice medicine in any of its branches or departments as a profession and means of livelihood in this State, without having obtained a certificate of qualification from some authorized board of medical examiners, as hereinafter provided.

SEC. 2. *Be it further enacted,* That no person shall be permitted to practice any irregular system of medicine in any of its branches or departments as a profession or means of live-

lihood, in this State, without having obtained a diploma or certificate of qualification in anatomy, physiology, chemistry and the mechanism of labor from some authorized board of medical examiners, as hereinafter provided.

SEC. 3. *Be it further enacted*, That the Board of Censors of the Medical Association of the State of Alabama, organized according to the Constitution of the said Medical Association of the State of Alabama, which was adopted at its annual meeting at the city of Tuscaloosa in March, 1873, and the boards of censors of the several county medical societies which are in affiliation with the said Medical Association of the State of Alabama, and organized in accordance with the provisions of the constitution just mentioned, be and are hereby constituted the authorized Boards of Medical Examiners referred to in the first section of this act.

SEC. 4. *Be it further enacted*, That the standard of qualifications required of persons desiring to practice medicine in this State, together with the rules for the government of the authorized boards of medical examiners, shall be such as may be determined from time to time by the said Medical Association of the State of Alabama in accordance with the provisions of its said constitution of 1873.

SEC. 5. *Be it further enacted*, That every diploma or certificate of qualification authorizing any person to practice medicine in this State, which shall be issued by any authorized board of medical examiners, shall be presented to the probate judge of the county in which said person resides, who shall officially endorse the same, and seal it with the seal of the county, and who shall also cause a full and fair copy of the same to be made in a well-bound book to be kept for that purpose, and called the register of licensed practitioners of medicine, and for this service he shall be entitled to a fee of one dollar. Provided, that said medical association nor any board of censors in affiliation with it, shall be allowed to charge any fee for any diploma or certificate of qualification which may be granted by it.

SEC. 6. *Be it further enacted*, That any person practicing

medicine in this State in violation of any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof before any court having competent jurisdiction, shall be fined in the sum of not more than 100 for every such offense, and if the fine so imposed be not immediately paid, said person shall be imprisoned in the county jail for not more than one year for every such offense.

SEC. 7. *Be it further enacted*, That all persons who shall be legally engaged in the practice of medicine in any county of this State, before the organization of the board of medical examiners in said county, all persons who at any time have been legally engaged in the practice of medicine in this State, and who are now authorized to practice medicine in this State, shall be entitled to the certificate of the board of medical examiners and to be inscribed in the register of licensed practitioners of medicine without examination as to qualification.

SEC. 8. *Be it further enacted*, That the provisions of this act shall take effect in any county of this State whenever the board of medical examiners for said county shall have been organized, as hereinbefore provided, and the fact of such organization officially communicated to the probate judge of said county by the board of censors of the Medical Association of this State.

SEC. 9. *Be it further enacted*, That none of the provisions of this act shall apply to females who now or may hereafter be engaged in the practice of midwifery, provided said females practice no other branch of or department of medicine.

SEC. 10. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, and this act shall be in force from and after its passage.

Approved February 9, 1877.

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